



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153

WASHINGTON, MONDAY, MARCH 5, 2007

No. 37

Senate

The Senate met at 1:30 p.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father, thank You for Your patience. You listen to our prayers even when we make selfish requests, and You guide our steps in spite of our attempts to shape our own destiny.

Today, lead our lawmakers to the successful fulfillment of Your purposes. As they strive to honor You, strengthen them with an endurance that will keep them strong in the face of complex challenges. Lord, make them grateful that You have given them the honor of serving You and country, as You remind them of the importance of being faithful in small things. Lord, as You bless them with Your peace, unite them in their efforts to keep America strong. May they so reflect Your image that they will possess gentleness, kindness, humility, meekness, and patience.

Lord, we end this prayer by asking You to remember the family of former U.S. Senator Thomas Eagleton and the many others who mourn his death.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 5, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this afternoon the Senate will be in a period of morning business until 3 p.m. During this time, Senators are permitted to speak for up to 10 minutes each. It is my understanding there are a number of Members on both sides who will be here to take up that time.

At 3 p.m., the Senate will resume consideration of the 9/11 legislation, S. 4. We have been told a number of Members want to offer amendments. I hope that is the case. So I look forward to them coming to the Senate Chamber today to offer those amendments.

Last week, the Republican leader's staff and my staff, along with the relevant committee staff, were negotiating a time when the Senate would vote on the collective bargaining amendment. I understand that has been offered by Senator DEMINT. The proposal is for the amendment to be voted on at 2:30 on Tuesday. We hope that can be accomplished sometime early this afternoon as to whether we will be able to lock in this agreement. I will be in a position at that time to

announce our vote schedule, which is at 5:30 today. However, Members are alerted that a vote or votes could occur at 5:30 today. I will provide more information as the day proceeds.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, let me respond to my good friend, the majority leader. We hope to be able to enter into an agreement to figure out how to dispose of the McCaskill and DeMint amendments on collective bargaining for TSA. There are also two district judges on the calendar who are noncontroversial whom we have no problem voting on this afternoon: Jarvey of Iowa and Lioi of Ohio. So in any event, we hope to be able to work all this out in the next few hours.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

IN MEMORY OF FORMER SENATOR TOM EAGLETON

Mr. REID. Mr. President, I received a call yesterday that Tom Eagleton died. Tom Eagleton was a wonderful man. He served in the Senate representing the State of Missouri from 1968 to 1987.

I got to know Senator Eagleton. I met him when I was in the House of Representatives. He had previously, prior to coming to the Senate, been elected Missouri's attorney general and Lieutenant Governor.

One thing I wish to mention very briefly today: He was selected by Senator McGovern to be his Vice President. As some will recall, that lasted only 2 or 3 weeks because it came out he had received some attention for a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S2567

medical problem that was related to an emotional problem, mental problem.

If that same thing occurred today, it would not have mattered. We have made progress in accepting people who have emotional problems for whatever reason, that they are just as sick as someone who has other kinds of problems. It is too bad there will always be this asterisk with Tom Eagleton. However, he was selected to be Senator McGovern's Vice President but was not able to continue in that position because of a medical condition.

He was a wonderful man who served in the Navy. He graduated from Harvard Law School. His father was a lawyer who loved politics and ran for public office in Missouri. He served on the St. Louis Police Board and the Board of Education.

Tom is survived by his wife, the former Barbara Ann Smith. They married in 1956. He has two children. He left the Senate 20 years ago, as I indicated earlier. He was a tremendously good Senator. As the Chaplain indicated today, our prayers go out to his family. Senator Eagleton will be missed. He has made his mark on our country and the world. He fought for clean water and clean air. He had strong beliefs on the conflict in Vietnam. He showed, over a lifetime, that one man can make a difference.

So, Mr. President, I hope all Senators will pause to reflect on the service this great man made to our country. I am sure we should all understand if we patterned our political career after Tom Eagleton, we could not go wrong.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I ask unanimous consent that I be given 10 minutes to speak in morning business.

The ACTING PRESIDENT pro tempore. The Senator has that right.

Mr. AKAKA. Thank you, Mr. President.

VETERANS MEDICAL CARE

Mr. AKAKA. Mr. President, last week, my majority colleagues and I on the Committee on Veterans' Affairs submitted the required views and estimates on the administration's fiscal year 2008 budget for the Department of Veterans Affairs.

In summary, we are recommending a \$2.9 billion increase over the adminis-

tration's request for veterans medical care. We believe this is the total amount necessary to treat all eligible veterans from World War II until the present time and to maintain the quality of VA medical services through the upcoming fiscal year.

This amount would also provide the VA with resources to absorb the thousands of service members presently on medical hold at Walter Reed and in other military facilities. There is no question we must ensure these brave men and women are provided the best care possible.

Today's Washington Post leads with a story titled, "It Is Just Not Walter Reed." The story focuses on the various Federal facilities across the system, including VA facilities. I urge my colleagues to understand that at the heart of any solution to improve care is increasing resources to match demand and to ensure the facilities themselves are up to par.

I intend to hold a hearing later this month on cooperation between VA and the Department of Defense on the treatment of injured service members, and I will pursue the situation at Walter Reed and other military treatment facilities that are handling the bulk of returning Iraq and Afghanistan war veterans to ensure the Government is helping those who have been injured in service to our country and their families.

I wish to highlight a few of the accounts for which we are seeking substantial increases.

In our estimate, we recommended an additional \$300 million for treatment of traumatic brain injuries. These funds will support the expansion of VA's capacity and will help to resolve case management problems identified in an IG investigation last summer. Traumatic brain injuries are turning out to be the hallmark of this war. We simply must ensure that VA has the resources to do more than just keep up but to become a leader in brain injury care.

The recent televised account of ABC newsman Bob Woodruff's long recovery from a brain injury endured in Iraq has highlighted the suffering of new veterans and their families. Looking at these young soldiers with such devastating injuries reminds us of the true costs of war.

We know the transition from DOD to VA can be a tough one. This is even more true for those veterans suffering with TBI. At the start of this war, VA was unprepared to deal with returning service members with injuries of all kinds. The budgets in the early years underestimated these costs, and many VA facilities were caught flatfooted.

Over the last year, VA has made strides in improving the lead brain injury centers. Yet VA still has miles to go in caring for service members when they return home to their communities. Many of these men and women are quite young and will live with brain injuries for the rest of their lives. VA must do more than simply send them back to their communities.

I am also concerned that veterans with less severe forms of TBI may not be receiving appropriate compensation for their injuries. We need to make sure VA has the resources necessary to provide for specialist examinations and appropriate testing so that veterans who file claims for headaches, memory loss, and other effects of TBI may be properly compensated and rehabilitated.

We also recommended an increase of \$693 million over the administration's request for VA mental health programs. These funds are essential to guarantee timely access to mental health services for veterans of the global war on terror and prior conflicts, including the Vietnam war. We have heard too many stories already of veterans in crisis who were unable to see a mental health professional because of a lack of staff or beds at VA facilities. It is about time we fully fund VA's mental health programs so that not one more troubled veteran finds himself or herself on the street for lack of therapy, counseling or, far worse, takes his or her own life.

As chairman of the Committee on Veterans' Affairs, I am deeply committed to having all in Congress recognize the reality that meeting the needs of veterans is truly part of the ongoing costs of war. I urge my fellow Senators to join us as we work to uphold our end of the bargain by giving our Nation's veterans accessible first-rate medical care. We owe it to them and they deserve it.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. McCASKILL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask unanimous consent to speak in morning business for up to 30 minutes.

The PRESIDING OFFICER. The Senator has that right. The Senator from North Dakota is recognized.

VA HEALTH CARE

Mr. DORGAN. Madam President, this morning in the Washington Post newspaper, there is a story that is headlined:

It Is Just Not Walter Reed. Soldiers Share Trouble Stories of Military Health Care Across the U.S.

I read that story and have read the previous stories in the Washington Post about the issue of outpatient health care at Walter Reed. I have visited Walter Reed many times, and I have visited Bethesda many times, and I have visited with wounded soldiers. I have spoken to doctors and nurses, health care professionals, people who work at Walter Reed and Bethesda. I

have to tell my colleagues that I come away from those experiences thinking how unbelievably dedicated the people who are working in those hospitals are to save lives. There are a lot of them. I hope the efforts and the work they do tirelessly 24 hours a day are not in any way diminished by these stories.

The stories the Post has published are accurate. The stories about the outpatient buildings at Walter Reed needing repair and not being repaired are accurate. The stories about the system well beyond Washington, DC, are accurate stories. But I would say there are a lot of dedicated people working in that system who are trying to do the best they can to work as hard as they can work to save lives and help our veterans. Their role needs to be understood and applauded as well.

Even as I say that, let me describe something else. As the headline says: "It Is Just Not Walter Reed." It was over a month ago I was on the floor of the Senate, and what brought me to the floor of the Senate to talk about these issues was this story in the Minneapolis Star Tribune. The story says in the headline:

This Marine's Death Came After He Served in Iraq. When Jonathan Schulze came home from Iraq, he tried to live a normal life, but the war kept that from happening.

The story talks about this young man who went to Iraq when America asked him to go fight for his country, was engaged in some bitter, difficult fighting, and when he came back from Iraq, he had very serious problems; very significant, serious difficulties, and he couldn't deal with them. As they buried this young man who committed suicide, on his casket was recognition of his two Purple Hearts earned from his service in Iraq. He was a real soldier in some of the bloodiest battles of Iraq. I have spoken to his family and they told me of this young man seeing the head of one of his best friends being blown off, some of the most unbelievable things a person can see in battle. He came back from Iraq with very serious problems. He tried very hard to get those problems resolved. He was in and out of the VA system. This story describes his circumstances.

I happened to be in Minneapolis the day this story was published in the Minneapolis Star Tribune. It was on a Saturday. When I came back to Washington, DC, the following week, I came to the floor of the Senate and said I was going to write the inspector general with a request: Would you investigate what has happened here? This is a man, according to this story and according to his family with whom I have spoken, who went to the VA system and said: I am suicidal. I have been thinking about committing suicide. I need help.

In fact, the second time he went to the VA system asking to be admitted to the hospital, he had packed his bags and brought them with him, hoping to be admitted. His family, standing be-

hind him during the interview at the hospital, heard him tell them he was suicidal. They said: We can't do a prescreening for you today. You will have to come back. The family had driven some 70, 75 miles to get there that day. The next day he called and was told he is No. 26 on the list to be admitted. Three days later he hung himself.

This young man fought for his country, came back seeking help, and he didn't get the help. So they had a funeral for this young man, Jonathan Schulze, who cried out for help and didn't get it. At the funeral was a picture of this young marine with his two Purple Hearts, a proud young man who served his country with great valor and great distinction. But his country didn't serve him very well when he came back with very serious problems.

I came to the floor of the Senate and said I was sending the inspector general a request that he investigate what has happened here. What happened when this young man goes to a hospital and says: I am thinking of committing suicide, I need to be admitted to your hospital, and is turned away? How does that happen? Is it an isolated instance?

Last week a mother called me. She told me her son had come back from Iraq and he had very serious problems. They went to the VA hospital. This is a young man coming back from soldiering in Iraq with very serious emotional problems, a substance abuse addiction, he couldn't sleep, and at night would pull the covers over his head and scream, wake up from nightmares. So they went to the VA system and his mother said: We really didn't get much help. They had very limited capability to help; not enough staff. So she said: We worked through the private sector with some psychiatrists and others for a year, and my son finally improved and got much, much better, after a long year. She called me last week because she said her son had received an alert notice that his unit was to be activated in June, likely to go back to Iraq. That is why that mother was calling me. But her message was in many ways about the issue of care in the VA system. Let me say again, I have great admiration for a lot of men and women who work in that system. I think there are a lot of soldiers who get some good help. But I do think the VA is understaffed. I don't think there is much question about that. I think very significant mistakes are made when there are not the resources to help.

When this young man comes back from Iraq, Jonathan Schulze, who earns two Purple Hearts and cries out for help and this country doesn't help because somehow he falls through the cracks—he goes to the hospital and says: I need to be admitted, I am thinking of committing suicide—and they send him home, there is something dreadfully wrong. Yes, the Washington Post was right this morning; this is not just about Iraq; this is not just about Walter Reed. This is also about the VA

system, and whether this President is asking for enough funding for that system.

I was reading the transcript this morning of a hearing that Senator AKAKA, who just spoke, recently chaired. He asked about the President's budget that proposes a cut to inpatient care for mental health in the VA system. That is exactly the wrong thing to do. It is precisely the wrong direction to go.

I received a letter from the inspector general 3 days after I had written to him, on February 9. He writes this:

In response to your letter, my office has opened an inquiry and will provide you with the results upon completion.

So the inspector general is now investigating.

Let me also say I worry about the leadership there. I don't know what causes this, but here is what the head of the VA said at the Veterans' Affairs Committee hearing on February 13. He says:

There is no veteran who is in need of, as I say, emergent or emergency care that doesn't get it immediately.

Let me say that again. This is a quote from Mr. Nicholson, who runs the VA system:

There is no veteran who is in need of, as I say, emergent or emergency care that doesn't get it immediately.

Well, Jonathan Schulze didn't get it. He showed up with his bags packed and told the VA he was thinking of committing suicide and needed to be admitted, and he was sent home. He didn't get the help. That was emergency help that was needed. I don't understand how the Secretary can say this. Clearly there are soldiers around the country who are released from inpatient care at Walter Reed and Bethesda, who transfer out of the active-duty system and become a veteran, and all of a sudden the standard of care, the standard of rehabilitation is different. That is quite clear. That is not in dispute. That shouldn't be the case. We spend hundreds of billions of dollars going to war. There is no difference between a soldier on active duty and a wounded soldier who comes back home and leaves the acute care facility of Walter Reed or Bethesda. There is no difference, and they ought not be treated differently. Their standard of care ought to be identical. I don't understand a circumstance where the head of the VA says:

There is no one in need of, as I say, emergent or emergency care that doesn't get it immediately.

That is clearly not accurate. He is the Secretary and should know it is not accurate. I do not understand it. As I have indicated, I asked the inspector general to investigate the Jonathan Schulze situation, this young man who committed suicide, took his life when he showed up with his bags packed, asking to be admitted to the hospital. I hope what has happened recently will persuade the President, the Secretary, the Congress to get this right. We owe

it to those young men and women. The number of people coming back—24,900 American servicemen have been wounded, 11,200 seriously. Virtually all of us here have seen those soldiers lying seriously wounded. Does anyone think they don't have the highest claim on this country's resources to reach out and help them with everything that is available to us? Does anyone believe there is something more important than that? If so, I want to know what it is. I hope very much, whether it is the Jonathan Schulze case or any of the other cases, this investigation is thorough, complete, urgent, and is completed in a way that says to this President: You can't seriously continue to consider cutting inpatient care for mental health in the VA system.

AMENDMENT NO. 313 TO S. 4

Mr. DORGAN. Madam President, I want to talk briefly about an amendment I have offered to the underlying piece of legislation.

I would like to ask it be considered in morning business as a separate subject.

I have offered an amendment that is very simple. It calls for a report every 6 months by this administration on the subject of what is happening with respect to the search for Osama bin Laden and the leadership of al-Qaida. I hope I will get a vote on that amendment perhaps this afternoon, and if not, I hope by tomorrow. That amendment was one I offered last week. I want to show a couple of charts that describe why I have offered such an amendment.

Mr. Negroponte was the Director of National Intelligence until about two weeks ago. He and the current leader of the intelligence service have said the same thing in open testimony before the Congress:

Al-Qaida is the terrorist organization that poses the greatest threat to U.S. interests, including to the homeland.

He also said this:

Al-Qaida continues to plot attacks against our homeland and other targets with the objective of inflicting mass casualties. And they continue to maintain active connections and relationships that radiate outward from their leaders from a secure hideout in Pakistan.

Again, it says from their secure hideout in Pakistan. On September 15, 2001, 4 days after 9/11, recognizing it was al-Qaida and Osama bin Laden and the al-Qaida leadership that attacked this country and boasted about it, the President said this:

We will not only deal with those who dare attack Americans; we will deal with those who harbor them and feed them and house them.

Two months later he said:

As a part of our offensive against terror, we are also confronting the regimes that harbor and support terrorists.

Two months following that he said:

Osama bin Laden has no place to train his al-Qaida killers anymore. And if we find a training camp, we will take care of it.

Well, the head of intelligence for this country says he knows where the al-Qaida leadership is. We saw last week film clips on television of al-Qaida training camps. Yet somehow there is a giant yawn about all of this. In fact, the President later said, in 2003:

I don't know where bin Laden is. I have no idea and really don't care. It is not important, and it is not our priority.

He also said:

I am not truly that concerned about him.

If the head of intelligence for this country says the greatest threat posed to this country by a terrorist organization is a threat that comes from al-Qaida, a threat to our homeland to inflict mass casualties, and they are in a secure hideout in Pakistan, and if, in fact, the President previously said as a part of our offensive against terror we are also confronting the regimes that harbor and support terrorists, and if Pakistan is our ally and al-Qaida is located there to train new terrorists, why on Earth are we not going after the leadership of al-Qaida? What explains that? It, frankly, escapes me.

I have introduced a piece of legislation that does three things: First, every 6 months, there will be a report from this administration to the Congress—a classified report—telling us where is the al-Qaida leadership. If they now say they are in a secure hideout in Pakistan, they can reaffirm that; and, if not, where are they?

Second, tell us each country where bin Laden, Zawahiri, and other leadership may be and whether the government of each country is cooperating with our attempts to capture them. If these countries are allies, are they harboring these terrorists, preventing us from the opportunity to go and eliminate the leadership of this terrorist organization?

Third, this report will require the heads of our intelligence and of our Defense Department to tell us what additional resources they need to capture the leadership of al-Qaida.

Today, it is 2,001 days—let me mark that—since the terrorist attack against our country which murdered thousands of innocent Americans. Osama bin Laden, Zawahiri, and others in al-Qaida boasted about being the perpetrators of that terrorist attack. That was 9/11/2001.

Coincidentally, today is 2,001 days later. The perpetrators who boasted that they committed the terrorist acts against our country that murdered so many thousands of Americans remain, apparently, in a secure hideout in Pakistan and still taunt us. They send the television and the radio stations their videos and their voice tracks telling us their views of world events.

I have said before on the floor of the Senate in recent weeks, if we have 21,000 soldiers to surge somewhere, I would much prefer those 21,000 soldiers be surged to find the leadership and eliminate the leadership of al-Qaida. I don't understand why this administration says: We don't know where he is. I

have no idea and really don't care. It is not that important. It is not our priority.

That comes from the President. But his top intelligence chief says they are in a secure hideout in Pakistan. Even more important, I don't understand when the President says he is not concerned about him. The top intelligence chief said this is the greatest threat to our country. We better be concerned about him—the President and the Congress and the American people. We ought to be concerned enough to decide this is a priority; it is a priority for us to bring to justice those who are the greatest threat to our country, the greatest terrorist threat.

That doesn't come from me. That comes from Mr. Negroponte and his successor who, in the last 2 months, both said the greatest terrorist threat to our country is al-Qaida. They continue to plot attacks against our homeland with the objective of inflicting mass casualties, and they radiate outward from their leaders from a secure hideout in Pakistan. It is unbelievable to me that 2,001 days later that we saw, according to the New York Times 2 weeks ago, "Terror Officials See Qaeda Chiefs Regaining Power."

Senior leaders of al-Qaida operating from Pakistan over the last year have set up a band of training camps in the tribal regions near the Afghan border, according to American intelligence and counterterrorism officials. American officials said there was mounting evidence that Osama bin Laden and his deputy, al-Zawahiri, have been steadily building an operations hub in the mountainous Pakistani tribal area of north Waziristan.

I don't have the foggiest idea how this is allowed to continue or to happen. In fact, my colleague and I—Senator CONRAD and I—offered an amendment similar to this some months ago. It was dropped in conference. Senator CONRAD joins me as a cosponsor of this amendment this time as well. Both of us believe there is something missing. When we offered it the last time, there was this enormous concern about our offering it. It seems to me that this just makes common sense—find out what is the most significant threat to our country and take steps to eliminate that threat.

This country took its eye off the issue of Afghanistan. All of us understand that, regrettably. I worry about what might happen in Afghanistan this year. We took our eye off this issue. Osama bin Laden—you haven't heard his name around here for a long while. It was Osama "been forgotten." Nobody talked about him. Even the President said: I don't know where he is. I don't care. It is not important, and it is not our priority.

What on Earth is that? I don't understand it. This amendment is simple. We are asking for three steps. Every 6 months we would like a report. What are you doing? What is the progress in dealing with the greatest terrorist threat to this country? Don't tell us that we don't have time or resources to

deal with the greatest terrorist threat to our country. We must deal with that threat, and we must deal with it on an urgent basis.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Madam President, how much time remains in morning business?

The PRESIDING OFFICER. Morning business extends until 3 p.m., and Senators may speak for up to 10 minutes each.

Mr. CORNYN. Madam President, I ask unanimous consent to speak for up to 15 minutes. I will yield back time if I don't need all of that. I also ask unanimous consent that Senator WEBB be recognized following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS TO S. 4

Mr. CORNYN. Madam President, I want to speak briefly on four different amendments that are pending to the 9/11 bill that is on the Senate floor. First of all, I want to talk about the issue of homeland security grant funding. Today, I will join with my colleague, Senator DIANNE FEINSTEIN of California, and several other colleagues and ask that this amendment be accepted. It stands on the principle that the limited funds that are available from the taxpayers' pockets to pay for homeland security be prioritized based on security concerns and not divvied up based on porkbarrel politics.

I realize the first instinct, perhaps, of a body that represents as diverse a nation as ours, with 50 States, is to take whatever amount of money there might be for any particular project and figure a way to divide it up 50 ways.

We know our security risks are not based on that sort of structure or approach, and it is important that we do try to take the limited resources we have available for homeland security grant funding and allocate them on a risk-based approach.

This approach is pretty simple. It is so simple and so commonsense, it strikes me as unusual that it has not already been embraced by the Congress. It is simply a system that will protect our most vulnerable assets and populations, one that recognizes the need to protect the critical infrastructure and vital components of our national economy. It is vital that we better allocate our limited resources to the most vulnerable places in the country that we need to protect, and that these funds be distributed in an efficient and timely manner.

The principle upon which this risk-based funding is premised has three

main criteria: threat, vulnerability, and consequence. That is, what is the greatest threat to our country? What is the greatest vulnerability in terms of if there was a successful attack against our Nation's infrastructure, what infrastructure would be the most vulnerable and have the greatest negative consequence on our country?

It requires States to quickly pass on Federal funds to areas where they are most needed as well and provides greater flexibility using these funds and that they be done consistent with federally established capability standards.

This amendment would allow States to retain authority to administer grant programs, but there are penalties to States that do not pass funds on to local governments within 45 days. If a State fails to pass the funds through, local governments may, under this amendment, petition the Department of Homeland Security to receive those funds directly.

This is an attempt to respond to one of the concerns I hear in my State from local governments and local authorities that are dependent on the State government to actually pass the funds through. In fact, despite the good work this body did on issues such as Hurricane Katrina and Hurricane Rita relief, we find that a lot of the funds that have been appropriated by Congress are simply bogged down in the bureaucratic structure when it moves from the Federal Government to the State government on to local governments.

So this amendment, which I hope our colleagues will support and which will actually result in a net increase in funds to 70 percent of the States, is based on two fundamental premises. One is that we ought to allocate those limited funds based on risk, vulnerability, and consequence, and that we ought to then try to get the money to the local officials and the local persons who need it most and to break it out of this bureaucratic structure that too often delays funds getting to the people who need it most quickly.

I also have offered an amendment separately, amendment No. 312, about which I wish to speak briefly. This is a terrorism recruiting prohibition and penalty that is lacking under our current law. We know it has been more than 5 years since we were attacked on September 11. It is important, as time works to ease the pain on that terrible day, that we in Congress ensure we are providing every possible tool to prevent another terrorist attack on American soil. We have made significant progress in updating our law enforcement and intelligence agencies, enabling them to better protect us at home and abroad, but there is still a lot we need to do.

One area we must address and is addressed by this amendment is the issue of terrorist recruiting.

The FBI and other agencies of the Federal Government have made it clear that al-Qaida and other terrorists are intent on striking us again. We

know from the 9/11 report that al-Qaida is patient and willing to wait years to take advantage of an opportunity to attack us, and in the meanwhile, they carefully formulate how they will carry out their plan. According to congressional testimony, terrorists and terrorist sympathizers are seeking to recruit people within the United States. Of course, their goal is to find individuals who do not fit the traditional terrorist model who are willing to engage in terrorism. Recruiting these individuals who blend easily into our society provides al-Qaida and other terrorists an operational advantage.

This is not, however, an academic discussion. Let me use one example of why I believe this amendment should be adopted.

Intelligence documents regarding Khalid Shaikh Mohammed—the so-called mastermind behind 9/11—reveal that he was running terrorist cells in the United States. These documents also show that it was al-Qaida's goal to recruit U.S. citizens and other westerners who could move freely in the United States. They targeted mosques, prisons, and universities throughout the United States where they could identify and recruit people who they thought might be sympathetic to their cause and then persuade these individuals to join their terrorist organization.

Currently—and this is a shocking fact—we have no statutes specifically designed to punish those who recruit people to commit terrorist acts. The amendment I am offering would remedy this serious gap in our law. My amendment simply provides that it is against the law to recruit or, in the words of the amendment, "to employ, solicit, induce, command, or cause" any person to commit an act of domestic terrorism, international terrorism, or Federal crime of terrorism, and any person convicted of doing so would face severe punishment. This amendment would also provide that anyone committing this crime would be punished for up to 10 years in Federal prison. If death of an individual results, he or she would be punished, on a finding and conviction of guilt, to death or any term of years or for life. If serious bodily injury to any individual results, the punishment would be no less than 10 years or for no more than 25 years.

I believe this is a commonsense amendment designed to fill a serious gap in our Criminal Code that should not exist any longer, certainly not this long after 9/11. I urge my colleagues to support this amendment.

I have also offered amendment No. 311, which is one that is not unfamiliar to Members of this body. I offered this amendment during our immigration debates last year. It is one supported by the Department of Homeland Security because this amendment, which received bipartisan support last year, will remove current litigation barriers impeding the ability of the Secretary of Homeland Security to do his job;

that is, enforce the immigration laws, especially as they are related to apprehension, detention, and expedited removals of illegal aliens.

We know one of the most obvious symbols of the Federal Government's failure to deal with our immigration problem and our broken borders is the now repudiated catch-and-release program where, because of lack of adequate facilities to detain individuals, particularly coming from countries other than Mexico, they were often caught and then simply released on their own recognizance and asked to return for a deportation hearing at a later time. Unsurprisingly, the vast majority of these individuals did not appear for their deportation hearing but merely melted into the landscape.

In this particular instance, this amendment is designed to address a particular court-ordered permanent injunction issued in an immigration case 19 years ago. This is the Orantes case. This Orantes injunction has hindered the Department of Homeland Security to promptly remove, immediately after apprehension, Salvadoran illegal aliens.

While Secretary Chertoff has made great strides in increasing the number of illegal aliens from countries other than Mexico detained for removal along the southwest border and recently ended catch-and-release at the border, the limitations contained in this injunction still impede the enforcement efforts of the Department of Homeland Security.

Similarly, other longstanding injunctions have not only impeded the ability of the Department of Homeland Security to enforce our immigration laws but have also consumed vast amounts of resources and, in some cases, are now inconsistent with intervening changes in the law.

This amendment does not eliminate injunctive relief but only requires that injunctions be drawn narrowly and not unnecessarily impede the enforcement of our immigration laws. Congress enacted comparable legislation narrowing the basis for injunctive relief in the Prison Litigation Reform Act of 1995, and that legislation has been upheld by the Supreme Court.

This amendment would simply require that courts narrowly tailor injunctive relief orders against the Government in immigration cases. Courts must limit relief to the minimum necessary to remedy the violation; adopt the least intrusive means to remedy violations; minimize the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and finally, provide an expiration date for injunctive relief.

This amendment would provide that preliminary injunctive relief would expire in 90 days from issuance of an order unless the court makes findings that permanent relief is required or makes the order final before the 90-day period.

This amendment would also require courts to rule promptly on all Government motions to eliminate injunctions in immigration cases.

If we are serious about creating an immigration law that will actually work, then we have to eliminate 19-year-old impediments, such as the Orantes injunction, to our ability to end once and for all the failed policy of catch-and-release when it comes to illegal immigration. I hope my colleagues will vote favorably for amendment No. 311, which will end this particular impediment, now 19 years old in the Orantes case.

The last amendment I have is amendment No. 310, known as the Zadvydas amendment because this amendment will strengthen the Government's ability to detain criminal aliens, including murderers, rapists, and child molesters, until they can actually be removed. This amendment arises out of a decision handed down by the U.S. Supreme Court—it is not a constitutional decision; it is merely based upon a statute, one which Congress can fix and which my amendment will fix. But this decision in June of 2001 simply provided that unless there is a reasonable likelihood that a criminal alien who is being held by the Government will actually be repatriated to their government within a given period of time, failing that, they must be simply released and cannot be held any longer by the U.S. Government. Although the Government has authority to detain suspected terrorists, under this decision, it has only limited authority to detain criminal aliens who have been ordered removed.

Under the Zadvydas decision, the Federal Government has had to release hundreds of dangerous illegal aliens into the American population. Among them is Carlos Rojas Fritze, who sodomized, raped, beat, and robbed a stranger in a public restroom and called it "an act of love." Tuan Thai, who repeatedly raped, tortured, and terrorized women and vowed to repeat his crimes and who also threatened to kill his immigration judge and prosecutor, was likewise released because under this decision he could not be held pending repatriation to his country of origin.

Guillermo Perez Aguilar, who repeatedly committed sex crimes against children and was arrested for possession of a controlled substance, is also an example of an individual who had to be released into the American population because he could no longer be held under our immigration laws pending repatriation because of the Zadvydas decision.

The list of criminal offenders such as these is long, and it is simply unacceptable that these individuals can roam freely in American society because of the way our current laws are interpreted.

Zadvydas and Suarez Martinez, which is another case following the Zadvydas case, were simply statutory holdings,

not constitutional holdings. As I mentioned a moment ago, Congress has the power—and, I would argue, the duty—to address these perils to our security by amending the Immigration and Naturalization Act. Indeed, in the Zadvydas opinion, the Court invited Congress to revisit the statute.

Another anomaly created by a recent decision out of the Ninth Circuit is a view that the Department of Homeland Security cannot even detain aliens during removal proceedings. Neither the Zadvydas nor the Suarez Martinez decision made any pronouncements on the Department of Homeland Security's authority to detain an alien prior to removal proceedings being completed and a removal order issued.

My amendment, which will essentially cure the defect found by the Supreme Court in the Zadvydas case, will clarify that an illegal criminal alien can be detained while removal proceedings are ongoing. Finally, it will provide that judicial review of ongoing detention, as with post-order detention, remains available in the U.S. District Court for the District of Columbia via habeas corpus proceedings. In other words, there will be periodic administrative review of the detentions and an opportunity for judicial review via habeas corpus in the U.S. District Court for the District of Columbia, which should address any constitutional concerns about indefinite detentions.

It is simply unacceptable that we should stand by and fail to act on this serious threat to public safety in this country, and this sort of inaction, when it comes to immigration, I think seriously undermines American confidence in their Government. What government would stand by and allow these dangerous criminal aliens to simply be released into the American heartland when their country of origin has refused or perhaps only delayed the repatriation of these individuals back to their country of origin?

We can fix this mistake and this great danger to America's national security by adopting this amendment.

I thank the Chair, and I yield the floor.

Mr. WEBB. Madam President, I ask unanimous consent to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Senator WEBB pertaining to the introduction of S. 759 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The galleries will refrain. It is not appropriate to show signs of appreciation.

Mr. WEBB. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

IMPROVING AMERICA'S SECURITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 4, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 4) to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

Pending:

Reid amendment No. 275, in the nature of a substitute.

Sununu amendment No. 291 (to amendment No. 275), to ensure that the emergency communications and interoperability communications grant program does not exclude Internet Protocol-based interoperable solutions.

Salazar-Lieberman modified amendment No. 290 (to amendment No. 275), to require a quadrennial homeland security review.

DeMint amendment No. 314 (to amendment No. 275), to strike the provision that revises the personnel management practices of the Transportation Security Administration.

Lieberman amendment No. 315 (to amendment No. 275), to provide appeal rights and employee engagement mechanisms for passenger and property screeners.

McCaskill amendment No. 316 (to amendment No. 315), to provide appeal rights and employee engagement mechanisms for passenger and property screeners.

Dorgan-Conrad amendment No. 313 (to amendment No. 275), to require a report to Congress on the hunt for Osama bin Laden, Ayman al-Zawahiri, and the leadership of al Qaida.

Landrieu amendment No. 321 (to amendment No. 275), to require the Secretary of Homeland Security to include levees in the list of critical infrastructure sectors.

Landrieu amendment No. 296 (to amendment No. 275), to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Landrieu amendment No. 295 (to amendment No. 275), to provide adequate funding for local governments harmed by Hurricane Katrina of 2005 or Hurricane Rita of 2005.

Allard amendment No. 272 (to amendment No. 275), to prevent the fraudulent use of Social Security account numbers by allowing the sharing of Social Security data among agencies of the United States for identity theft prevention and immigration enforcement purposes.

McConnell (for Sessions) amendment No. 305 (to amendment No. 275), to clarify the voluntary inherent authority of States to assist in the enforcement of the immigration laws of the United States and to require the Secretary of Homeland Security to provide information related to aliens found to have violated certain immigration laws to the National Crime Information Center.

McConnell (for Cornyn) amendment No. 310 (to amendment No. 275), to strengthen the

Federal Government's ability to detain dangerous criminal aliens, including murderers, rapists, and child molesters, until they can be removed from the United States.

McConnell (for Cornyn) amendment No. 311 (to amendment No. 275), to provide for immigration injunction reform.

McConnell (for Cornyn) amendment No. 312 (to amendment No. 275), to prohibit the recruitment of persons to participate in terrorism.

McConnell (for Kyl) amendment No. 317 (to amendment No. 275), to prohibit the rewarding of suicide bombings and allow adequate punishments for terrorist murders, kidnappings, and sexual assaults.

McConnell (for Kyl) amendment No. 318 (to amendment No. 275), to protect classified information.

McConnell (for Kyl) amendment No. 319 (to amendment No. 275), to provide for relief from (a)(3)(B) immigration bars from the Hmong and other groups who do not pose a threat to the United States, to designate the Taliban as a terrorist organization for immigration purposes.

McConnell (for Kyl) amendment No. 320 (to amendment No. 275), to improve the Classified Information Procedures Act.

McConnell (for Grassley) amendment No. 300 (to amendment No. 275), to clarify the revocation of an alien's visa or other documentation is not subject to judicial review.

McConnell (for Grassley) amendment No. 309 (to amendment No. 275), to improve the prohibitions on money laundering.

Thune amendment No. 308 (to amendment No. 275), to expand and improve the Proliferation Security Initiative while protecting the national security interests of the United States.

Cardin amendment No. 326 (to amendment No. 275), to provide for a study of modification of area of jurisdiction of Office of National Capital Region Coordination.

Cardin amendment No. 327 (to amendment No. 275), to reform mutual aid agreements for the National Capital Region.

Cardin amendment No. 328 (to amendment No. 275), to require Amtrak contracts and leases involving the State of Maryland to be governed by the laws of the District of Columbia.

Mr. LIEBERMAN. Mr. President, we return now to S. 4, Improving America's Security Act. This is the legislation that emerged from the Homeland Security Committee in response to the appeals of the members of the 9/11 Commission, and others, to finish the job we began with the previous 9/11 legislation we adopted. We made some progress last week in the first two days of consideration of the bill. We will have a vote sometime tomorrow on the motion to strike the provision of the bill that would give equal rights to transportation security officers at the TSA. We will begin debate sometime this afternoon on alternative proposals to those presented in S. 4 for distributing homeland security grant funds. We have important matters to debate and vote on in the next few days.

I know Senator REID and, I hope, Senator MCCONNELL want to finish this bill—that is, to bring it to passage—by the end of this week. I remind colleagues that S. 4 was reported out of the Homeland Security Committee on a strong nonpartisan vote, 16 to 0, with one member abstaining.

I thought, as we return to the consideration of S. 4, I might go back to a

hearing our committee held on January 9 to consider this legislation, particularly to draw from the testimony of three of the witnesses before the committee that day, three women who lost loved ones on September 11, 2001. This is a way, before we get into the details of the bill, to remind ourselves why this legislation is before us and what it is all about. Those three women who testified before our committee on that day, shortly after the 110th session of Congress convened, were Mary Fetchet, Carol Ashley, and Carie Lemack.

These three women, as many Members know because we have come to know them, have worked tirelessly in the last five and a half years to take their grief, their loss, and bring it into the public square, to the Congress, to the place where laws are made, to do everything in their power to ensure that the tragic losses they suffered on that day would not have to be suffered by any other American in the future.

Their work produced the 9/11 Commission itself. It was a tough battle to actually create the 9/11 Commission. People were defensive. They didn't want it to be done by an independent commission. They wondered why it was necessary. But with the help of these women, we won that battle. Then when the Commission reported in 2004, we worked very hard with their help to adopt most of the recommendations of the Commission by the end of that year. This included the creation of the Director of National Intelligence to coordinate all of our intelligence, so we can now connect the dots to stop a terrorist act before it occurs; and the National Counterterrorism Center, which is now up and running and doing the same.

The statements of Mary Fetchet, Carol Ashley, and Carie Lemack at our Committee's hearing explain the importance of the legislation, S. 4, that is now before the Senate, and particularly the responsibility we in Congress have to continue the unfinished work of implementing the recommendations of the 9/11 Commission and of fixing the inadequate implementation of some of those recommendations or other gaps we have discovered since in our homeland security.

I want to talk about these three brave, patriotic women one by one, describe briefly who they are, and then quote from their testimony.

Mary Fetchet lost her son Brad, age 24, in Tower 2 of the World Trade Center on September 11. She is the founding director of the group called Voices of September 11th. At our hearing on January 9, Mary testified as follows:

I have made a personal commitment to advocate for the full implementation of the 9/11 Commission recommendations driven by the "wake-up" call when my son was senselessly murdered by terrorists on 9/11. It is my personal belief that almost six years later our country remains vulnerable, and although some progress has been made, much work remains ahead. We collectively—the administration, Congress, government agencies and interested individuals—have a

moral obligation and responsibility to work together to ensure our government is taking the necessary steps to make our country safer.

"A moral obligation and responsibility," as we debate the details of this legislation and consider the parliamentary tactics related to it this week on the floor of the Senate, that is, after all, what binds all of us together, certainly across party lines, in this body and around America—"a moral obligation and responsibility." Those were the words of Mary Fethet.

Carol Ashley lost her daughter Janice, age 25, in Tower 1 of the World Trade Center on September 11, 2001. Carol has served on the Family Steering Committee for the 9/11 Independent Commission, which worked to help pass the Intelligence Reform and Terrorism Prevention Act of 2004. At our January committee hearing, Carol Ashley also discussed the importance of the legislation the Senate is considering today. I quote again:

Along with other members of the Family Steering Committee, I worked for passage of intelligence reform legislation in 2004 based on the recommendations of the 9/11 Commission. Our goal was to make our nation as secure as possible to reduce the chances that any other American families would lose a loved one to terrorism. Unfortunately, that bill did not fully implement the 9/11 Commission recommendations. Some that were included were not as strong as they should have been. The result is that more than five years after 9/11, there are still gaps in our security.

I continue to quote from Carol Ashley, mother of Janice, age 25, who was killed by the terrorists on 9/11 in the World Trade Center:

Tightening our security and upgrading preparedness is urgent. Although five years have passed with no terrorist attack on our soil, there is no way to know when, where or how the terrorists will strike again. To fulfill its foremost obligation to protect the American people, Congress must ensure through legislation and oversight that comprehensive security safeguards are in place; and if the terrorists succeed in breaching our security, that our federal, state and local agencies are fully trained, equipped and prepared to respond cohesively.

What we do here today is "urgent," to use Carol's word. In the last week, there have been reports that al-Qaida and the Taliban are gaining strength in the lawless regions of Afghanistan and Pakistan, establishing training bases once again, planning to attack the United States again. We know we face growing threats from citizens living in countries that are our allies, as we saw last August when British officials disrupted a plot to blow up airliners on their way from the United Kingdom to the United States.

For these reasons and others, our task today is, in Carol Ashley's word, "urgent." I hope we can—I am confident we will—overcome whatever divides us and work together to pass this legislation that will fulfill the powerful and relevant mandate of the 9/11 Commission.

Finally, of these three women whose voices we should hear as we go through

this debate this week, Carie Lemack's mother, Judy Larocque, was a passenger on American Airlines Flight 11 on September 11, 2001, which crashed into the World Trade Center. Like Mary and Carol, Carie has worked tirelessly in support of efforts to improve America's ability to prevent and respond to acts of terrorism. She is a co-founder of the group known as Families of September 11. At our hearing in January, Carie also discussed the importance of fully implementing the recommendations of the 9/11 Commission report. I now quote from Carie Lemack at our hearing:

The 9/11 Commission made 41 recommendations. Roughly half of these recommendations have already been implemented, thanks in no small part to the efforts of this committee. The fall of 2004 was an extraordinary time. Many of us were inspired by your willingness to spend weeks and months making sure the Commission's recommendations did not fall on deaf ears. The passage of the 2004 Intelligence Reform and Terrorism Prevention Act was an historic moment, of which we can all be proud.

So much to be proud of, and yet so much more to do. More than five years after 9/11, the terrorist threat has inevitably grown a little more distant. Some experts are now telling us that it isn't as serious as we had thought. If al Qaeda is such a threat, why haven't we been attacked again? To answer that question, just ask the people of London, or Madrid, or Bali, or the other places where the terrorists have struck since 9/11.

Then Carie Lemack said to our committee:

The United States has not been attacked again. But we will be.

Thanks to the work of so many dedicated public servants we are safer than we were. But in the words of 9/11 Commission Chairman Thomas Kean, we are still not as safe as we need to be.

Carie said:

On the morning of September 11, 2001, my mother, Judy Larocque, left home to go on a business trip. She woke up early that day, at 5:30 a.m., in order to make her 8 o'clock flight to the West Coast. Oddly enough, even though I am not a morning person, I was up even before her that day, serving as a co-swain for the MIT graduate school crew team. As I glided on the Charles River that morning, I realized I could have called Mom before my 6 a.m. practice, just for a kick, since it was not often we were both up so early. But I didn't, thinking she might be running late (a trait she passed down to me and my sister) and knowing it would be easier to talk later in the day, once her cross-country flight landed.

I never did get to talk to Mom that morning, though I left many messages on her cell phone. To this day, I still find myself looking at my caller ID whenever the phone rings, waiting for it to say "Mom's cell," waiting for the call from her that I never got that gorgeous fall morning.

I often think about what I would tell Mom if she called. I dream about it all the time. She was founder and CEO of a company, so I sometimes think I might tell her about founding the non-profit organization Families of September 11, which represents more than 2,500 individuals who chose to join our group and support the terrorism prevention work we do. I might tell her about the opportunities I have had in the past five years that she could never have predicted, like testifying before this esteemed committee today.

But the most important thing I could possibly tell her is that I love her, and that I am doing everything in my power to make sure what happened to her never happens again. That would come as no surprise to Mom. She brought my sister and me up to fix wrongs and make them rights.

Carie Lemack concluded, before our committee:

Today I am asking you to fix a small number of important wrongs, and make them right. Some of the important recommendations of the 9/11 Commission report have still not been implemented. I raise them not in the spirit of placing blame or making accusations, but rather in the hope that together we can own up to gaps, failures and mistakes in the past, so that we are not condemned to repeat them in the future.

End of a very deeply personal, compelling quote. It moved everybody in the room that day, as it moves me to read those words on the floor here today.

So much more to do, my colleagues. As Carie Lemack said, "so much more to do." That is why we are here: to work together, and continue to improve upon the critical tasks that we have left undone and unfinished. That is our responsibility to Mary, Carol, Carie, and the tens of thousands of other Americans and citizens of nearly every nation on this globe who lost loved ones on September 11. We must work hard and never grow complacent as we face these challenges, in the same way that the generations who fought in World War II and the Cold War never grew complacent in the face of the threats to their freedom as Americans from fascism and communism.

That is what we are debating today. That is the significance of S. 4, the Improving America's Security Act of 2007. That is why I thank my colleagues for their attention, for their dedication to getting this right, and for the debates and votes we will conduct in the days ahead, leading, I am confident, by the end of this week, to the passage of this critically important legislation.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 335 TO AMENDMENT NO. 275

(Purpose: To improve the allocation of grants through the Department of Homeland Security, and for other purposes)

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 335, please.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 335.

Mrs. FEINSTEIN. I thank the Chair. (The amendment is printed in today's RECORD under "Text of Amendments.")

Mrs. FEINSTEIN. Mr. President, I rise today to offer an amendment which ensures that critical homeland security resources are allocated predominantly on the basis of risk, threat, and vulnerability. I am pleased to be joined by my colleague from Texas, Senator JOHN CORNYN, as well as Senators LAUTENBERG, HUTCHISON, BOXER, SCHUMER, CLINTON, OBAMA, MENENDEZ, KERRY, COBURN, and CASEY. I understand that Senator COBURN and at least three of the other cosponsors will be coming to the floor, and I certainly welcome them. Our amendment provides an alternative that is consistent with the recommendations of the 9/11 Commission.

Let me refresh the Members' view of the 9/11 Commission. This is the recommendation:

Homeland security assistance should be based strictly—

Strictly is underlined—
on an assessment of risks and vulnerabilities.

And:

Federal homeland security assistance should not remain a program for general revenue sharing.

Now, I know that is difficult for smaller States, but I also know this is a bill that is aimed to comply with the recommendations of this Commission. So I hope it will be given some attention.

The amendment we are offering today would allocate homeland security grant funds based on risk and threat analysis. This covers most grants for interoperable communications, seaport and airport security, as well as the State Homeland Security Grant Program, the Law Enforcement Terrorist Prevention Program, the Urban Area Security Initiative, and the Citizen Corps Program. We accomplish this by reducing the State minimum formula. Currently, each State receives .75 percent of the State terrorism preparedness grant money appropriated to the Department of Homeland Security. Now, what does this mean? This means that nearly 40 percent of the grant funds must be allocated regardless of risk analysis. This amendment will reduce that State minimum to .25 percent; in other words, from .75 to .25. Lowering this minimum ensures that only 12.5 percent of the grant funds are set aside for all States, regardless. Even if they have no threat, they can get that amount of money.

Also, 87.5 percent would be allocated based purely on risk and threat assessment. This would give the Department of Homeland Security the flexibility necessary to put money where it is most needed. This means that more dollars will go to the places that face serious threats and where dollars can do the most good and, as I say, it is consistent with the 9/11 Commission.

So what does that mean in real dollar terms? Last year roughly \$912 million in grant funds were distributed to

homeland security-related planning, equipment, training, and law enforcement support needs related to terrorism prevention. It broke down like this: Only 60 percent of the money, or \$547 million, was allocated based on risk. Forty percent, or \$365 million, went to satisfy the guaranteed minimum for all States—exactly what the 9/11 Commission said we should not do.

If the Feinstein-Cornyn amendment were in place, an additional \$426 million would have been distributed strictly on risk, threat, and vulnerability. That would have brought the total to \$791 million—nearly 90 percent of the funds. I believe this would have been the right thing to do. Instead, the places where the most funding is required are being shortchanged. Let me give my colleagues an example.

Last year the breakdown of funds distributed through the State Homeland Security Grant Program and the Law Enforcement Terrorist Prevention Program meant that some States with relatively low risk were receiving more funds per person than States with higher risk. We have all heard this. Now my State, California's share of this grant funding amounted to \$2.50 per person. Texas, another large State, received \$2.25 per person. Yet Wyoming received \$14.75 per person. California is the most populous State in the Union. We have about 37 million residents. We have the Nation's largest ports, iconic bridges, towering skyscrapers, enormous infrastructure, and the busiest border crossing in the world. Texas, with 23.5 million residents, has great cities, towering skyscrapers, vital industries, and a vast international border. Wyoming—I don't want to pick on Wyoming. Love it. But as a State it is like a national park. Wyoming, with 515,000 residents, is a largely rural State.

As a member of the Intelligence Committee, I pay close attention to the classified intelligence on terrorist threats. Regrettably, for those living in States with higher threat profiles, there is reason for concern. Major cities such as Los Angeles have been an elusive al-Qaida target for years. A public example outlining the severity of this post-9/11 threat was acknowledged by President Bush in his State of the Union Address earlier this year. The President said:

We stopped an al-Qaida plot to fly a hijacked airplane into the tallest building on the West Coast.

This is the tallest building on the west coast. It is the Library Tower Building—it has a new name now—the old Library Tower Building in Los Angeles, the tallest office building west of the Mississippi. It is home to more than 3,000 people during a typical workday.

Al-Qaida and its allies do not attack based on an obscure formula to spend money evenly. They attack by prominence, number of people they can kill, and the psychological value of taking out America's great landmarks. Homeland security money must correlate

with this threat and risk; otherwise, it is quite simply wasted. This is the reality of the world in which we live. We can never predict when or where the next major attack may occur, but we can apply tough-minded discipline to use our finite financial resources effectively.

Allocating our critical resources effectively is built on a three-pronged approach: One, risks of potential terrorist attacks must be accurately assessed; two, the vulnerability of critical infrastructure and potential targets must be measured; and, three, resources must be distributed based on these assessments.

The Department of Homeland Security was created to accomplish these goals. This amendment provides the flexibility and resources for the professionals to do so.

Let me make no secret. I would prefer to allocate 100 percent of homeland security grants based on risk and threat and believe that eliminating mandatory outlays to States is good public policy. It is safe public policy. But I understand the realities of the Senate. So this amendment is a compromise which makes us all safer and benefits in some way all 50 States.

There are some who say that small States would be put at a disadvantage by this amendment. This is simply not true. Thirty-five States—70 percent of the Nation—would actually receive increased grant money for terrorism preparedness under this amendment. States as diverse as Connecticut, South Carolina, and Colorado will benefit. Risk-based funding will bring more Federal dollars to smaller States with high-threat profiles.

Here are 35 States that benefit from risk-based appropriations, and you can see them on the chart. They are in the green: California, Washington, Idaho, Nevada, Arizona, Colorado, North Dakota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Ohio, Pennsylvania, New York, Vermont, Massachusetts, Connecticut, New Jersey, Delaware, and Maryland.

This bill does not impact the primary all-hazards grant programs, such as the emergency management performance grants and the Assistance to Firefighters Program. In fact, under current law, nearly 40 percent of these funds are set aside for small State all-hazards preparedness. This adds up to at least \$7 million per State based upon the authorization for emergency management performance grants in the underlying bill.

There are those who will also make the argument that recipients of homeland security grant funds are not held accountable, as money is often wasted. Our amendment increases the efficiency of Federal dollars by ensuring that these critical funds actually go toward programs and efforts that prevent

acts of terror. It requires entities receiving these funds to undergo periodic audits conducted by the Department, and it mandates that the appropriate performance standards are met.

Finally, the amendment ensures that States quickly distribute Federal dollars to localities where they are needed and not hold them back. Four years ago, the President signed Homeland Security Presidential Directive 8, requiring the Department of Homeland Security to allocate grant money “based on national priorities.” Four years later, despite this Presidential directive, this remains unmet, an elusive target.

The 9/11 Commission report makes clear that there are imbalances. It offers sensible advice. We should take that advice. In our amendment, we have tried to do that. Among the Commission’s observations and conclusions, “Homeland security assistance should be based strictly on assessment of risk and vulnerability and, finally, Congress should not use this money as pork barrel.” I could not agree more. In a free-for-all over money, it is understandable that Representatives will work to protect the interests of their home States or districts. But this issue is too important, they say, for “politics as usual” to prevail.

Well, I think the 9/11 Commission got it right. The national interests must trump geographical interests when it comes to national security. I thank Senators LIEBERMAN and COLLINS for their dedication and leadership. I am encouraged that their approach has been modified. I clearly would like to modify it more. That is what this amendment is all about. They have acknowledged that funds should be allocated more along the lines of risk and threat.

Nevertheless, their proposal to set aside 25 percent of funds for all States, I believe, in the world we live in, with the intelligence that crosses my desk, indicates it is too high an amount.

This amendment offers a reasonable alternative that takes a significant step toward improving our Nation’s homeland security. So I thank my cosponsors. I see that one is on the floor. I would like to yield, if I may, to the Senator from Texas, Senator KAY BALEY HUTCHISON.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I appreciate so much the leadership of the Senator from California. We have talked about this many times, ever since 9/11, the Department of Homeland Security being created by Congress and requested by the President. But the fact is, I think the distinguished Senator from California has laid out the case very well. We have certain areas that, with our intelligence and with the activities that have been uncovered, we know are high-risk areas.

It is in the interest of all Americans, of every State, that we allow the Department of Homeland Security, with its intelligence grid, to determine

where the needs are greatest from a risk perspective. That is exactly what the Feinstein amendment does. I am very pleased to be a cosponsor with my colleague from Texas, Senator CORNYN; Senator FEINSTEIN; Senator BOXER. Many States that have the problems that we see are understanding of the need for this amendment.

I will give you one example. Texas is, as Senator FEINSTEIN said, the second largest State in population, the second largest State in area as well. We are second behind Alaska in area and second behind California in population. But more important than that is we have many areas that could be terrorist targets. In particular, I point out the ports, and the Port of Houston especially. Texas has 29 ports. Four of these are among the 10 busiest in the Nation. The Port of Houston is one of the most important ports in the world. It ranks first in the United States in foreign waterborne tonnage, second in total tonnage. It is the sixth largest in the world. It is also home to one of the biggest petrochemical complexes in the world. It is also part of our Nation’s U.S. Strategic Petroleum Reserve, the world’s largest oil stockpile.

Due to the volume of hazardous materials, a terrorist attack in the Port of Houston would be an enormous disaster. An attack in the Port of Houston could disrupt our Nation’s energy supply, delivering a blow to our economy at a time when we cannot afford such a disruption. It has been estimated that as much as 18 percent of our Nation’s refined petroleum products come through the Port of Houston chemical complex.

We saw what happened after Katrina and Rita came ashore in 2005, where America’s energy coast was heavily damaged. Imagine the impact to the economy if 18 percent of our refining capacity was disrupted. It would be a huge economic and financial and, of course, human loss.

The amendment I am cosponsoring with Senator FEINSTEIN would require that Federal homeland security funds be allocated to States according to a risk-based assessment. Of course, that is the way these funds should be allocated. It would cover the major first responder grant program administered by the Homeland Security Department. It is only by doing this that all of our country and the people of our country will be the most safe. It is also consistent with the 9/11 Commission’s recommendations to distribute homeland security assistance based upon threat and vulnerability assessment.

This amendment is aligned with the Department of Homeland Security’s goals for the increased allocation of grant funding based on protecting national priorities. I hope that all of our colleagues will see that protecting our Nation’s highest priority areas will be in the interest of every American, rather than getting into the State-by-State squabbles, when, frankly, the big States usually lose because there are

fewer big State votes in the Senate than small States. So if we go to the parochial interests of people from their States wanting more security grants, it is going to be hard to do the right thing.

I submit to my colleagues that we should be looking at where the terrorists might strike and hurt all of our citizens, and that should be the basis upon which these risk-based grants would be awarded to the States.

I thank my colleague from California for taking this initiative because it is so important for our country that this amendment be passed.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from Texas for her support on this. I think we are both alike in that we say wherever there is threat and risk and vulnerability, that is where the money should go. If it is the State of Texas, that is fine with me. If it is the State of California, that is fine. If it is New York, Florida, Connecticut or Maine—wherever the threat and risk is—that is where the money should go. It is clear to me that the big States have felt very aggrieved. Big States with big landmarks, big ports, big oil and petroleum reserves and that kind of thing, feel definitely that they don’t get the money they need to provide the protection they need. To that end, on March 5, I received and Senator CORNYN received a letter signed by Governor Schwarzenegger of California, Governor Spitzer of New York, Governor Crist of Florida, and Governor Perry of Texas.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 5, 2007.

Hon. DIANNE FEINSTEIN,
Hon. JOHN CORNYN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN AND SENATOR CORNYN: We are writing to thank you for your leadership in working to assure that Department of Homeland Security (DHS) counterterrorism grant programs recognize the homeland security needs of the United States. Any effective strategy to secure our nation must apply risk-based analyses to manage the threat from terrorism. We believe that the Homeland Security FORWARD Funding Act of 2007 will provide much needed changes to these programs by better recognizing the risks and vulnerabilities faced by larger states such as California, New York, Florida, and Texas.

We support the efforts of your bill to build a coordinated and comprehensive system to maximize the use of federal resources and to provide clear lines of authority and communication. Your bill will further the efforts of DHS, cities, counties and state agencies as they continue to work together to detect, deter and respond to terrorism. Specifically, we appreciate the following provisions of the bill:

Follows the 9/11 Commission Report recommendation to better allocate federal resources based on vulnerabilities;

Analyzes risks, threats, vulnerability, and consequences related to potential terrorist attacks; current programs do not give full consideration to our states' urban population centers, numerous critical infrastructure assets, hundreds of miles of coastline, maritime ports, and large international borders;

Reduces the "small state" minimum from 0.75% to 0.25%, providing each state a baseline award while allocating an increased level of funds based on risk; the current base + per capita method allocates a disproportionate share of funds to states with small populations;

Continues the Law Enforcement Terrorism Prevention Program and exempts the program from the base percentage, allocating all funds based on risk;

Maintains the Emergency Management Performance Grant program as a separate program focused on capacity building for all hazards preparedness, response, recovery and mitigation;

Continues the central role of states, building on existing systems that effectively coordinate planning efforts and ensure accountability;

Allows for limited regional applications from previously-designated UASI cities or other urban areas with at least a population of at least 500,000;

Retains the central role of states as the administrative agent for the grants to ensure regional applications are consistent with statewide plans; and

Recognizes the importance of national standards for evaluating the "essential capabilities" needed by state and local governments to respond to threats.

Your continued support for improving the nation's ability to detect and deter and coordinate responses to terrorist events is appreciated.

Sincerely,

ARNOLD SCHWARZENEGGER.
CHARLIE CRIST.
ELIOT SPITZER.
RICK PERRY.

Mrs. FEINSTEIN. Mr. President, I yield the floor.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I rise in opposition to the amendment offered by my friend from California and my friend from Texas.

Let me first start by telling my colleagues that this is virtually identical to the same proposal the Senate voted on last July during consideration of the Homeland Security appropriations bill. In fact, the Senate has repeatedly voted on this formula issue throughout the past few years. The Senate has also repeatedly rejected the approach put forth by my colleagues from California and Texas. The last time this amendment was voted on, it was defeated by a vote of 36 to 64.

This map says it all. The amendment offered by the Senator from California would cut homeland security grant dollars for 34 States and the District of Columbia. I emphasize that because I think by any reasonable analysis, the District of Columbia is a high-risk area. I am not stressing the District of Columbia just because the Presiding Officer is from Virginia but, rather, because it is an area that has been the subject of a terrorist attack.

What the Feinstein-Cornyn amendment would do is reallocate the funding to turn it over to 16 States that already receive 60 percent of the funding. I think we have a basic philosophical disagreement in discussing how the homeland security money should be allocated. I certainly agree that risk should be a factor, but I also believe—and the testimony before our Homeland Security Committee confirms—that all States need to receive a predictable, reasonable base allocation of homeland security funding. States need that predictable multiyear funding in order to fund complex multiyear projects, such as creating interoperable communications networks or first responder training programs. Risk-based funding, even if it is distributed properly, is important, but it is likely to fluctuate dramatically from year to year.

Furthermore, the minimums in this amendment are simply too low. Under this amendment, each State would only be assured of \$2.28 million under the authorized levels for the Homeland Security Grant Program. That is just about half of the proposed Homeland Security Grant Program minimum in S. 4. I encourage Senators to talk to the first responders in their States—the police officers, the firefighters, the emergency managers—to find out what gaps in homeland security would be left unfilled if they faced such a reduction.

As one can see from this chart, there would be a substantial reduction under all of the homeland security programs. Let's take the interoperability program. We know States have not made nearly the progress that needs to be made in having compatible communications equipment. That was certainly one of the lessons from 9/11, where so many first responders lost their lives because they simply could not talk to one another. When the Homeland Security Committee did its in-depth investigation into the failed response to Hurricane Katrina, we

found exactly the same kinds of interoperability problems. In fact, we found there were parishes within Louisiana where, within the same parish or county, the firefighters could not talk to the police officers, who in turn could not talk to the emergency medical personnel.

The only way to ensure a base level of security and preparedness in each and every State is to require that there be a reasonable minimum amount of homeland security grant funding awarded to each State.

The National Governors Association has said it well. The NGA has written to me that:

To effectively protect our States and territories from potential terrorist events, all sectors of government must be part of an integrated plan to prevent, detect, and respond to and recover from a terrorist act. For the plan to work, it is essential that it be funded through a predictable and sustainable mechanism both during its development and in its implementation.

It is important to note that the law requires States to develop 3-year homeland security plans, and we are requiring any homeland security funding be used to accomplish those plans and to meet minimum levels of preparedness.

I am surprised that many who are offering this amendment, which would give the Department even more latitude than it has now, are the same people who are expressing outrage at the way the Department used its authority last year to allocate the funding. I note that I joined in that outrage. As I told Secretary Chertoff at a hearing before our Homeland Security Committee, I would not have guessed he could have made both the State of Maine and New York City equally unhappy in how he allocated homeland security funds, but he managed to do just that.

The Department is moving away from the methodology it used last year to allocate funding based on risk. New York Senators were very eloquent in describing the risk analysis DHS had used. For example, my colleague, Senator SCHUMER, said:

The way that the Department of Homeland Security has given out high-threat funding defies logic, and it is dangerous.

That was typical of the comments that were made.

I agree with my colleagues, and that is why we were so careful to come up with a different approach and one that includes strong accountability measures to address concerns, that requires the Department of Homeland Security to provide Congress with its risk allocation methodology in advance, and that also provides a predictable, stable level of funding which will allow States to meet their diverse needs.

One of the important parts of the funding formula the Senator from Connecticut and I have labored so hard to put forth is providing assistance to law enforcement to try to detect and prevent attacks from happening in the first place.

I must remind my colleagues that the leader of the attacks on our country on 9/11 started his journey of death

and destruction not from a large urban area but from Portland, ME. Just think if we could have detected that plot and arrested Mohamed Atta in Portland, ME, before he launched his attack.

Risk is not an easy calculation. We saw that last year when the Department brought forth its very flawed methodology that made so many of us unhappy. But, unfortunately, we are seeing that approach used again by the Feinstein-Cornyn amendment because that flawed methodology which the sponsors of this amendment have embraced results in cuts to the District of Columbia—clearly a high-risk jurisdiction—and yet it would reduce funding for the District of Columbia. I think it jeopardizes the funding for 34 States—34 States, many of them border States that have obvious vulnerabilities, many of them coastal States that have obvious vulnerabilities. Then there is Kansas, with the threat of agraterrorism, about which I know the distinguished Senator from Kansas has been very concerned. Think of an attack on our food supply. That is much more likely to occur in a rural area. Think of an attack on a nuclear powerplant in a rural area.

The point is, we have a lot of critical infrastructure in this country that is located outside our large urban centers. So we have to avoid embracing a flawed methodology, and we have to recognize that every State has risks and vulnerabilities and every State needs to achieve minimal levels of preparedness, and we clearly are not there yet.

I hope we will, once again, turn down the well-intentioned but misguided amendment offered by the Senators from California and Texas. I believe it would really cause problems for our country as we try to strengthen our homeland security.

I end this segment of my comments by noting a report by the RAND Corporation that was prepared for the National Memorial Institute for the Prevention of Terrorism in Oklahoma City, another place where there was a terrorist attack that would not generally be considered a high-risk area. It says:

Homeland security experts and first responders have cautioned against an overemphasis on improving the preparedness of large cities to the exclusion of small communities or rural areas, and it recognizes that much of the Nation's infrastructure and potential high-value targets are located in rural areas.

I thank the Chair.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Kansas.

Mr. ROBERTS. Mr. President, I associate myself with the remarks of the distinguished Senator from Maine, who does such an outstanding job, along with the distinguished chairman of the Homeland Security Committee. I, too, rise in strong opposition to the amendment that is proposed by Senator FEINSTEIN. Senator COLLINS pretty well

summed it up, and my remarks might be somewhat repetitive, and I think they need to be.

I know the Senator from California, no doubt, has the best of intentions. She has been an excellent member of the Intelligence Committee, when I had the privilege of being the chairman of that committee. She is working simply to increase the grant funding—which on the surface of it makes some sense—to high-population areas. I just don't think that reducing funding for the majority of our States and our great Nation, as the distinguished Senator has pointed out with her chart, is a viable way to protect against terrorism.

If we as a country are going to be adequately prepared for another terrorist attack, we must not forget that we are vulnerable on all fronts. The States that would be negatively impacted by this proposal contain some of our Nation's most valuable assets.

If we are going to reduce funds to States such as Kansas, this amendment tosses aside the risk to agriculture, as the Senator has pointed out, agraterrorism, although we don't use that term anymore because it used to scare a lot of people. We just call it "food security," and it is a big-ticket item. Basically, that is the ability of our Nation's intelligence community, 19 different agencies, to protect our Nation's food supply, not to mention the oil and petroleum facilities that provide invaluable energy in this time of need to many Federal buildings and places of national significance that are scattered throughout our great Nation.

So we cannot let ourselves believe if we only protect large cities and high-population States, we will be safe from the devious and the calculating minds of those who wish to do us harm. You only need to look at the Oklahoma City tragedy to understand this. Rather, preparing for what we expect in the densely populated area is a sure-fire way to be shocked and horrified should the unthinkable happen again.

This legislation has been considered before. It was defeated soundly. To add it now as an amendment disregards the hard work many have done to negotiate a funding formula that most benefits our entire economy and our entire country. We cannot afford to compromise the security of an entire Nation for the benefit of a few areas. It is not where the people are, it is where the terrorists will attack and how and when.

Let me say when I was the chairman of the Emerging Threats Subcommittee on the Armed Services Committee, I went to a secret city in Russia—there are approximately 11 of them—and they let us into a few because we had the Nunn-Lugar program that paid the scientists the Russians used to have making various armaments and bioweapons and viruses and all sorts of things. It certainly gives you pause to think about the fact that when Ronald Reagan called the former

Soviet Union the "evil empire," he was correct, if you looked at the stockpile of this weaponry. We were granted access to this research center, which is located outside of Moscow, about 60 miles. It is called Obninsk. We went in and saw what was being manufactured. I can assure you when they opened up the refrigerator doors, we stepped back a little bit.

I will not go into everything in terms of what was being manufactured there, some of which is classified, but we thought under the Nunn-Lugar program the best thing we could do was to provide security. Yet how easy would it be for a terrorist group or somebody within the organized mafia of Russia today to latch on to any part of this stockpile, of which there are a great many, and transfer that to the United States and attack our food supply?

We have had exercises. I have taken part in exercises. There was an exercise in regard to hoof and mouth disease. What happened was we got into a situation where the infestation period was 6 days, and we got past that, and then utter chaos developed. We lost in the process a large number of our livestock herd, all of our export stock, and when people finally figured out their food doesn't come from grocery stores, there was panic in our cities. We basically endangered our food supply not only for 1 year but for several years running.

This is a very real threat. I can tell you as a former chairman of the Intelligence Committee, we worked very hard to get the intelligence community to first assess this and then to assess it in terms of a priority risk and a threat. That is exactly what we have done. This amendment does great harm to that effort and to adequate funding for all States and to assess the threats that certainly face all Americans. I am very hopeful we will oppose this amendment.

Let's repeat what we have done in the past and safeguard all Americans as opposed to the individual, or the individual many, if that is the proper way to put it.

Mr. President, I yield the floor.

Mr. LIEBERMAN. Mr. President, what a pleasure to see you as the occupant of the Chair.

The PRESIDING OFFICER. It is a pleasure to have the Senator address the Senate.

Mr. LIEBERMAN. Mr. President, I first thank the Senator from Kansas for his very compelling statement in which he speaks not so much on behalf of Kansas as based on his experience as the immediate past chair of the Intelligence Committee. He speaks to the threat of agro-terrorism. We ought to start talking about it in that way again because it makes it so real.

Like so many of the vulnerabilities we have in this terrorist age, where we have to worry about things we could not have imagined before, these are things we have to now both imagine and defend against. That is part of the

capacity that will be preserved in the funding formula that is fair and balanced found in the underlying bill, S. 4.

I rise to oppose the Feinstein amendment. Senator FEINSTEIN's amendment is actually one of three that will be introduced to change the funding formula for homeland security and natural disasters security that is in this underlying bill. Senator OBAMA has one which he will introduce tomorrow, Senator FEINSTEIN has introduced this today, both of which would reduce the minimum first aid share. Senator OBAMA's would reduce the guaranteed funding share for 32 of the States in the country as compared to S. 4, the bill under consideration; and Senator FEINSTEIN's would actually reduce the funding, as the chart Senator COLLINS held up indicates, for 34 of the States of our Union. Senator LEAHY of Vermont will introduce an amendment that will increase the minimum per State to .75 percent of the total.

In some sense, with two amendments trying to cut back the minimum per State and one intending to increase it, I hope that it suggests that Senator COLLINS and I and our committee have found a reasonable middle ground that gives most of the money to the States based on risk but recognizes that the risk to homeland security is national and not confined to the larger cities or the most prominent targets, as Senator COLLINS and Senator ROBERTS have made clear. We know, tragically from terrorist acts across the world, that terrorists have struck discotheques, schools in smaller town areas, and obviously metros and subways in other areas.

Our proposal gives out most of the money based both on risk and a minimum per State so they can deal with their own local vulnerabilities. The members of the committee chose, I believe in our good judgment in this case, to establish the Homeland Security Department as an all-hazards protection department, not just protection against the terrorism we fear after 9/11, which we have, as I said earlier, a moral responsibility to protect the American people from. At the same time, because there is overlap, we can enable the States and localities and the Federal Government to protect their citizens against the impact and harm caused by natural disasters.

In that sense, the funding formula in the underlying bill, S. 4, not only embraces and implements the lessons learned from 9/11 but also the lessons learned from Hurricane Katrina. It accurately reflects the world we live in today, a world where we know we have to protect the American people from acts of humans while also being able to respond to acts of nature.

The second point I want to make is that these fights over funding formulas—and this is what we are in now—are well-intentioned, they are spirited, and they are important, but we must not be distracted from the larger point here, if I may say so re-

spectfully, which is that it is not only who gets how much of the pie that is important, but equally important, perhaps ultimately more important, is the question of: How big is the pie? How much money is our country, our Federal Government, prepared to invest in protecting the security of the American people from another terrorist attack or from a natural disaster?

I am very proud that this bill, S. 4, authorizes significant additional funds for homeland security grants and related grants, restoring, in the case of homeland security grants, overall funding to the fiscal year 2004 level of \$3.1 billion for each of the next 3 years. The fact is, shockingly, if we stop to think about it, that the administration has recommended cuts in homeland security grant funding since 2004.

The threat has not gone down. We know, in fact, of publicly reported intelligence that al-Qaida and the Taliban are again amassing in the area of the mountains between Pakistan and Afghanistan, that training camps are being established there again, and that people are coming to train not just to fight in Afghanistan but with the heightened probability that they will plan terrorist attacks against the rest of the world, including American targets. Nonetheless, the funding for these homeland security grants has gone down over the last 3 years.

What is our goal? It is not a lavish or radical one in terms of funding. This bill proposes to take us back to the level at which we were funding one category of grants, homeland security grants, to where it was in fiscal year 2004, \$3.1 billion, and to continue that at that same level for the next 3 years. If we do that, this legislation will send a strong signal that this trend of cutting homeland security funding is over. It will send a message that we are not disarming our first responders, or squeezing them as they attempt to protect us and prevent terrorist attacks.

This increase in funding will also send another message. Just as we support our troops fighting in the war on terrorism throughout the world, we need to adequately support our troops, I would call them, our first responders, our firefighters, our police, and our emergency response personnel. We need to support those who are on the front lines fighting for us, protecting us when disaster strikes right here at home in the United States.

While we go on with this debate on these three amendments that seek to alter the funding formula in the underlying bill, S. 4, I hope we will all keep in mind that this legislation authorizes, and if adequately funded by our colleagues on the Appropriations Committee, a significant expansion in the size of America's homeland security grant funding pie.

I also will talk briefly about the specific programs this legislation will authorize that the three amendments, Senator FEINSTEIN's, Senator OBAMA's, and Senator LEAHY's, would alter, two

cutting and one adding to our allocation to each State in the country. Two of the four funding programs dealt with in this underlying bill are devoted specifically to dealing with the risk of terrorism, to improving the capacity of State and local responders to do exactly that.

Two others are also designed to address all hazards; in some sense to maximize what we get for our investment. When I say "all hazards," I am speaking of natural disasters. As we saw in Katrina, that can cause as much or, in some cases, more damage to our country and our people than a terrorist attack.

Let me go first to risk-based funding for urban areas, one of the four programs. S. 4 authorizes in law the Urban Area Security Initiative, known in the field as UASI, to assist high-risk urban areas in preventing, preparing for, and responding to acts of terrorism. All UASI funds would be given to the urban area based on risk—totally based on risk—from a terrorist attack and the effectiveness of the proposed uses in addressing that risk. There is no minimum funding per state or locality. It is totally up to the Department of Homeland Security's assessment of risk.

The 100 largest metropolitan areas in the United States would be eligible to apply for funding. I am pleased to say here, too, we increased the funding; \$1.279 billion would be authorized for UASI for each of the next three years, which is significantly more than the \$770 million provided this year or the \$800 million proposed in the administration's fiscal year 2008 budget.

The second risk-based funding for states, the other program designed specifically to help state and local officials cope with the risk of terrorism, is the State Homeland Security Grant Program. S. 4 authorizes this program to be funded at \$913 million for each of the next three years to assist state, local and tribal governments in preventing, preparing for, and responding to acts of terrorism. This is a significant increase over the \$550 million that would go to this State Homeland Security Grant Program this year, not to mention the \$250 million cut of the \$300 million of the President's proposed budget in this program for fiscal year 2008. Most important—and I think it is very significant with all that will be said about the formulas—as we calculated under the approach of S. 4, an estimated 95 percent of these so-called SHSGP funds, State Homeland Security Grant Program funds, would be given out based on risk to the state from a terrorist attack, and on effectiveness of the proposed uses in addressing that risk.

While each state would be assured of receiving a minimum of .45 percent of the overall funds of this program, the Department will calculate distributions based on risk first and then only make any adjustments necessary to bring all the states up to the guaranteed minimum.

As we apply the formula of risk allocation that the Department applied this year, we come to the conclusion that 95 percent of these funds would actually be distributed based on risk.

The third program: All-Hazards Emergency Management Funding. This is a reorganized, refocused, and greatly increased program that will have tremendous effect in protecting the American people from all hazards, man-made and natural. S. 4 authorizes what we call the Emergency Management Performance Grants Program, EMPGP, to assist states in preparing for and responding to all hazards, including natural disasters, other manmade disasters, and terrorism. The legislation significantly increases the authorization amount for this critically important program from about \$200 million to \$913 million for each of the next three years. That is obviously a significant increase, four and a half times what it is now. Each state would receive a base amount of .75 percent of the overall funds, with the remaining funds distributed in proportion to a state's population, which continues the current allocation practice. This program, as I have said, is an all-hazards program. Every state in the country is vulnerable or subject to be the target of some kind of hazard, whether it is terrorism or a natural disaster that is different depending on which part of the country you are in, which is a hurricane, a tornado—as we have seen occur last week with devastating effect on our fellow Americans, earthquake—of which we have seen too many taking precious lives and destroying property all across our country. I speak of these natural disasters. These are risks that all States face so we think it appropriate to ensure that each State receives .75 percent of the overall funding.

Finally, the fourth program is Dedicated Grants for Communications Interoperability. In our committee, Senator COLLINS and I worked very hard on this, and I must say we are very proud to establish this grant program. It is dedicated to improving communications operability and interoperability at local, regional, state and federal levels. We have been through this on the floor before. We saw both on 9/11 and in Hurricane Katrina, when first responders cannot talk to one another because they have different radio systems or they can't talk at all because the systems have broken down, response to the disaster is greatly compromised and lives are lost. That is exactly what we are aiming to prevent with this.

Incidentally, this is a problem that is not new with 9/11 or with Hurricane Katrina. The truth is, it has gone on unsolved for years, even though we had evidence of it from 1982, when Air Florida crashed in Washington, to the 1995 attack on the Alfred E. Murrah Federal Building in Oklahoma City, to the 1999 shootings at Columbine High School near Little, Colorado. In each of those cases, there were communication

breakdowns, not as well known as those on 9/11, that compromised the response and compromised the safety of our fellow Americans. This is a national problem. It affects all states. That is why we propose that each state would receive a minimum of .75 percent of the total funds. This legislation authorizes a total of \$3.3 billion spread out over five years for this communications interoperability grant program.

I wish to stress here about this and about the Homeland Security Grant Programs, that we are mindful of the few cases—but too often cited by critics—in which local governments have used grant money under these programs in ways that do not, to any of us, seem like they relate. In the case of interoperability communications, we state very clearly in the bill that to qualify for these programs you have to make a proposal that is not just something the local law enforcement chief thinks would be a nice thing to have, it has to be consistent with a state's emergency communications plan in the National Emergency Communications Plan. Otherwise, states are simply not going to receive funding.

The same is true in the Homeland Security Grant Fund Program. One of the bases of the judgments of the use of the funds is clearly stated: "The effectiveness of the proposed use in addressing that risk."

In the few cases where sadly, infuriatingly, Homeland Security grant money has been spent on things that don't seem at all to be related to homeland security, in the language under S. 4, we are going to stop that from happening and guarantee that this money is spent in a way that will increase the American people's sense of security from terrorists and natural disasters.

I believe these four programs together, if enacted and properly funded, will make our country much safer. They will provide the men and women on the front lines here at home with the essential tools they need to protect the American people and save lives. They will make sure that funds targeted for building terrorism-specific capability go out overwhelmingly to those states and urban areas that our intelligence and our common sense tells us are most at risk from terrorist attack. But they will also provide funds that are adequate in the post-9/11, post-Katrina world, to make sure that all states can prepare for and be ready to respond to disasters.

This is going to be an important debate. I look forward to participating in it.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 336 TO AMENDMENT NO. 275

Mr. SCHUMER. Mr. President, I rise to offer two amendments to the 9/11 Commission recommendations bill. After I have an opportunity to address

these amendments, I ask they be set aside so we may proceed with further proceedings on the bill.

I hope we can reach agreement, I say to my friend from Connecticut. I hope we can reach agreement on these amendments, as they are critical to making sure our homeland security dollars are spent wisely in the way that will do the most to protect our Nation.

Nearly 6 years since the tragedy of September 11, Congress finally has the opportunity to implement the recommendations of the 9/11 Commission. The 9/11 Commission has done a tremendous job providing our Nation with the tools to make our Nation safer and now is the time for Congress to act and to get it right.

I thank Senators LIEBERMAN and COLLINS for their hard work and dedication to this bill and thank my colleague from New York, Senator CLINTON, for joining me on these two important amendments.

We are here today to talk about one of the most important pieces of the 9/11 Commission's recommendations, funding the Homeland Security Grant Program, administered under the Department of Homeland Security. Unfortunately, DHS has not always approached the allocation of vital homeland security dollars the way the 9/11 Commission intended. The 9/11 Commission intended that homeland security funds, including the high-threat Urban Area Security Initiative, UASI, and the State Homeland Security Grant Program, SHSGP, be allocated based on risk. In fiscal year 2006, the most high-risk and high-threat cities in the Nation, New York City and Washington DC, two cities which suffered tremendously from the horror of the 9/11 terrorist attacks, received a 40-percent cut in high-threat UASI funding from DHS. Using a peer review process, DHS made funding decisions based on including popcorn factories and petting zoos, while cities such as New York were forced to cut key security initiatives such as staff patrols on the Brooklyn Bridge and NYPD inspection of backpacks within the New York City subway system.

DHS relied on an untested system of peer review in 2006 to allocate high-threat security funding, and it failed miserably. A 40-percent cut in high-threat funds for our highest risk cities is unacceptable and exactly the opposite of what the 9/11 Commission recommended. Despite the firestorm of criticism that the Homeland Security Department faced for its UASI allocation of funding in 2006, DHS decided once again to use the peer review process when allocating high-threat funding in 2007. That makes one doubt the thinking that is going on in DHS, not only on this issue.

So I ask amendment No. 336 be called up.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself and Mrs. CLINTON, proposes an amendment numbered 336 to amendment No. 275.

Mr. SCHUMER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of the peer review process in determining the allocation of funds among metropolitan areas applying for grants under the Urban Area Security Initiative)

On page 64, between lines 2 and 3, insert the following:

“(e) PROHIBITION OF PEER REVIEW PROCESS.—The peer review process may not be used in determining the allocation of funds among metropolitan areas applying for grants under this section.

Mr. SCHUMER. This amendment will bar DHS from using the peer review process when making allocations for high-threat UASI funding. Our most targeted cities should not be subject to the arbitrary whims of an untested bureaucratic process that clearly does not have the best interests of our high-risk cities as its No. 1 priority.

DHS was wrong about the effectiveness of the peer review process, and it has also been off the mark on the amount of homeland security funds that can be used to cover personnel and overtime.

This bill makes clear that different cities under very different levels of risk have very different security needs. We should not be punishing cities such as New York that must rely on personnel to make our cities safer.

One example is our bridges because they have been targeted. The Brooklyn Bridge near my home, which I take back and forth all the time, has two police officers at each end 24 hours a day, 7 days a week. That is 20 police officers. If one looks at policeman hours, four times five, five shifts is what it takes to cover 24/7. That kind of funding is essential to the safety of New York, yet it is limited by the process. Our amendment would change that.

AMENDMENT NO. 337 TO AMENDMENT NO. 275

I ask unanimous consent that my amendment be set aside so that I may call up amendment No. 337.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes amendment numbered 337 to amendment No. 275.

Mr. SCHUMER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the use of funds in any grant under the Homeland Security Grant Program for personnel costs, and for other purposes)

On page 59, between lines 9 and 10, insert the following:

“(f) USE OF GRANT FUNDS FOR PERSONNEL COSTS.—The Secretary may not provide for any limitation on the percentage or amount of any grant awarded under the Homeland Security Grant Program which may be used for personnel costs, including overtime or backfill costs.

On page 86, strike lines 6 through 20.

Mr. SCHUMER. This amendment also addresses a critical shortfall in previous allocations for homeland security funding: the payment of overtime for first responders such as police officers. High-threat cities such as New York can't rely on equipment and technology alone to get the job done. New York City, with its vast population and national landmarks, needs trained, expert personnel guarding its tunnels, bridges, and landmarks to keep New Yorkers and the huge amount of visitors it has every year safe.

Having trained security personnel available at all times to protect our citizens is not an issue unique to New York City. In this difficult budget climate, cities across the country are faced with hard choices when it comes to keeping our citizens safe from terrorists. The Department of Homeland Security should allow our cities and States the ability to fund the activities necessary to protect our citizens.

The potential for terror is not limited to 8-to-5 shifts. We need to give our cities and States the resources they need to do their job. If they should choose to use overtime in funding in their UASI allocation, they should be allowed to do it.

AMENDMENT NO. 335

I also would like to take a moment to talk about Senator FEINSTEIN's amendment that I am cosponsoring along with several of my colleagues. The Feinstein amendment will lower the minimum grant for the State Homeland Security Grant Program to .25, lower than the .45 proposed in the Senate version of the bill. The amendment will also lower the minimum for interoperable communications to .25, down from .75 in the bill. While I appreciate the committee raising the amount of funding for SHSGP funds to \$913 million, well above the amount included in the President's 2008 budget, the formula minimums included in the Senate bill provided less funding for New York.

New York is not alone. Other States, such as California and Texas, will also face cuts in funding unless we lower the minimum in the Senate bill. We can't allow our larger cities and most vulnerable targets to be left relatively unprepared for a major attack relative to other cities because they are not given the Federal resources they deserve.

Some in the Senate will make the argument that States across the country have needs that must be addressed, and we need to be prepared in all communities. While I understand their concern, the Senate has recognized that need by authorizing the emergency management performance grants in the

same amount as the SHSGP grants and by providing EMPG grants with a .75 minimum to address all-hazard needs across the country.

In addition to EMPG grants, the Senate has also provided a minimum amount of funding for interoperability communications grants, something the city of New York has spent millions on since 9/11 so the rest of the country might implement this valuable technology.

Now is the time for the Senate to do the right thing. While I applaud the overall work of Senators LIEBERMAN and COLLINS on this important bill, one area we have strayed is in the area of grant funding. I know they come from smaller States. Obviously, they are defending their States. But if we are allocating money on the basis of need, on the basis of where the greatest threat of terrorism is, the funding formula here does not really do the job.

The 9/11 Commission, for instance, neither from a smaller State or bigger State perspective and looking at things objectively, recommends that funding be allocated on risk alone. The minimums allocated in this bill do not do that. One need look only as far as the tragedy of 9/11 to answer the question of why funding for the most targeted cities is the most important.

I urge my colleagues to support the Feinstein amendment. We have the opportunity to fix the past mistakes at DHS and ensure that the appropriate amount of funding is distributed in a way that will benefit all and ensure that highest risk areas are adequately protected. Now is that time.

I look forward to working with the committee on these important amendments to the way the bill addresses the grant program. I know the committee shares my commitment to ensuring our first responders and all critical homeland security needs have the funding needed to protect our citizens. The committee has done important work to authorize for the first time funding for the grant programs. I look forward to working with Senators LIEBERMAN and COLLINS on this issue.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I rise in support of the Feinstein-Cornyn amendment. I am proud to serve as a cosponsor. As my colleagues know, we have spent the past week debating legislation to once and for all fully implement the recommendations of the bipartisan 9/11 Commission delivered in July 2004. This bill before us, along with its counterpart already passed in the House, would largely do just that by making it more difficult for terrorists to gain access into our country by enhancing information sharing in our intelligence community and homeland security apparatus so that we can truly connect the dots in future plots against our Nation, and by providing genuine

incentives to the private sector to do their part in order to strengthen their preparedness to prevent and respond to acts of terrorism.

The bill would also provide much needed funding to enhance the security of our rail and transit systems, including Amtrak's northeast corridor, a rail system that carries tens of thousands of passengers every day along the east coast, including my home State of Pennsylvania, and which remains unacceptably vulnerable to terrorist attack.

However, we must be honest. The bill does not fully implement every recommendation of the 9/11 Commission. Chapter 12 in the Commission's final report addresses the difficult challenge of allocating limited funds across the Nation to address an array of homeland security vulnerabilities and gaps. The report recognizes that we as a nation cannot protect every vulnerable port, every vulnerable icon, and every vulnerable spot where Americans congregate every day. A universal approach would turn our Nation into an armed fortress, too restrictive of the liberties we cherish and love as Americans. That would be a victory for the terrorists.

Let me quote directly from the bipartisan Commission report which lays out in plain and clear language why it is so important that we allocate homeland security dollars on the basis of risk:

Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities. Now, in 2004, Washington, D.C., and New York are certainly at the top of any such list. We understand the contention that every state and city needs to have some minimum infrastructure for emergency response. But federal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on the risks and vulnerabilities that merit additional support. Congress should not use this money as a pork barrel.

So says the 9/11 Commission Report. The Commission calls for a strict prioritization of national needs based upon a strict risk-based assessment. Those potential targets that are most attractive to terrorist groups, that contain the most deep-seated vulnerabilities to an attack, and that, if successfully attacked, would produce the most drastic consequences in terms of lives lost, people injured, and economic damage should be given priority in terms of allocating our limited homeland security dollars.

This definition of risk, which successfully incorporates the three variables of threat, vulnerability, and consequence, has been recommended by countless academic experts and is now incorporated into the Department of Homeland Security's framework for assessing how to rank various targets in our Nation in terms of their likelihood for a future attack. Unfortunately, the Congress has not kept pace with the recommendation of the 9/11 Commission, and the bill before us this week still does not get it right, even though

it purports to fully implement the recommendations of the 9/11 Commission.

This bill, while superb in almost every other respect, would still retain the misguided approach first established by the PATRIOT Act that would mandate that each State receive a minimum of .75 percent of overall funding for most of the homeland security grant programs, including the State Homeland Security Grant Program, the Law Enforcement Terrorist Prevention Program, and the Citizen Corps Program. In other words, 38 percent of the funding dollars for our major homeland security grant initiatives is allocated on an arbitrary basis, wholly unrelated to risk. Thirty-eight percent of these funding dollars is distributed in such a fashion that every State receives the exact same share, with equal dollars flowing to large States such as Pennsylvania and New York, as well as much smaller States.

This makes no sense. Every State is not equally at risk from the threat of terrorism and is thus eligible for equal dollar amounts. I recognize that the remaining 62 percent of funds under these homeland security grants are now based on risk, but it is wrong and harmful to deny almost half of all funds to those areas that are at greatest risk.

That is why I am so pleased to co-sponsor the Feinstein amendment which would reduce those per-State minimums from .75 percent of overall grant funding to .25 percent. In other words, instead of 62 percent of funding allocated on the basis of risk, 87 percent of all grant funds would be allocated on a risk basis.

Is that a perfect solution? No, it is not. In a perfect world, 100 percent of funds in every homeland security program would be allocated on the basis of risk, and State-by-State minimums would become a historic relic. But I understand political realities, and I recognize this amendment by itself will face a real challenge in achieving passage. The Feinstein-Cornyn amendment, by replicating a provision in the 9/11 bill that passed the House in January, nevertheless would significantly improve the quality of our homeland security funding by requiring a greater share of it be allocated on the basis of risk.

This issue is often unfairly characterized as a large State versus small State battle. Those States with large populations would supposedly automatically benefit under any funding formula that is based to a greater degree on risk while small States would lose or so the argument goes. That would be true only if we use population levels as a proxy for risk, which this amendment does not do.

Instead, the Feinstein amendment defines risk as a function of threat, vulnerability, and consequence. So a small State with several targets that are uniquely at risk due to a combination of these three variables would profit from this amendment just as a

State as large as New York or New Jersey or Pennsylvania.

This amendment, to the greatest extent possible, takes individual States out of the formula. It focuses on where and what our Nation's targets of terrorism are and where the greatest risks lie and focuses our homeland security dollars on those targets. Those who hail from small States should not reflexively oppose this amendment. The fact remains, their States can benefit—small States can benefit—from greater funding under this new formula.

Will there be losers under this new formula? Sure. Of course. Those States with a minimum level of potential targets at great risk would receive potentially less funding. But I am confident the people of those States will recognize the enormity of the stakes involved: how to best protect our Nation in a long struggle against terrorism. I have faith the American people will put aside parochial concerns in favor of those strategies that protect all of us.

I hail from a State that sits at the higher end of the range of vulnerability to attacks of terrorism. Under the Urban Areas Security Initiative, or UASI, two urban regions in Pennsylvania have been consistently designated as high risk in this program since its inception in fiscal year 2003: Philadelphia and Pittsburgh.

Philadelphia is home to such historic sites as Independence Hall and the Liberty Bell. It is also a major hub for Amtrak's Northeast corridor, a vital transportation artery that links Washington to Boston and points further beyond. We have seen what the terrorists have done in Madrid and London and other places. If they seek to export their tactics to our Nation, the Northeast corridor, including Philadelphia's 30th Street Station, would be a prime target.

Also, the city of Pittsburgh includes world-class universities, major sports stadiums, and other icons of national significance.

There is a reason why both cities have been included in the 15 most at-risk urban regions in the United States and are eligible for grants under the UASI program. The UASI program is the only homeland security program that operates fully—fully—on the basis of risk. For that reason, it is the most effective program, as it allocates dollars without regard to State by State minimums or political guidelines.

Future terrorist acts endanger the people of Pennsylvania, and I will continue to stand up for them to assure our homeland security programs are appropriately focused on the threats where they are. I understand no State or its representative Members want to lose out on additional Federal dollars. But I would once again quote from the 9/11 Commission report which has served as the inspiration behind our entire debate on this important bill. In concluding that risk-based funding is the only way for our Nation to apportion homeland security dollars, the Commission declared that:

In a free-for-all over money, it is understandable that representatives will work to protect the interests of their home states or districts. But this issue is too important for politics as usual to prevail.

“Too important for politics as usual to prevail.” After the horrors of 9/11, we cannot ignore the significance of that call to duty.

I strongly urge my colleagues to vote in support of the Feinstein-Cornyn amendment so we can ensure our precious homeland security resources are allocated in a fair and efficient manner.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The junior Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise in strong support of the Feinstein-Cornyn amendment. I am proud to be a cosponsor of this effort. This amendment would enact one of the key recommendations of the 9/11 Commission that has gone ignored time and time again by the Congress, and that is ensuring homeland security funding is based on risk.

We have heard a lot during the course of the debate on this bill. Often we have had references to the 9/11 Commission when it was propitious, when it served to support the argument someone was making at a given time. Then, at other times, it has been forgotten. I have been one of those who believes we should have all of the 9/11 recommendations implemented. So I do not pick and choose.

I am certainly tonight wanting to make sure we recognize as a body what the Commission said. It was not ambivalent. The Commission was not ambivalent about its recommendation. The Commission said, in its report, very clearly:

Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities.

“... strictly on an assessment of risks and vulnerabilities.” “Strictly”—not mostly, not partially, but based strictly on the risks our States and communities face. Yet, 2½ years after the release of the 9/11 Commission report, homeland security funding continues to be based on a formula that allocates nearly 40 percent of funding with no regard—no regard—to risk or vulnerability.

What else did the Commission say:

We understand the contention that every State and city needs to have some minimum infrastructure for emergency response. But Federal homeland security assistance should not remain a program for general revenue sharing. It should supplement State and local resources based on the risks or vulnerabilities that merit additional support.

Congress should not use this money as pork barrel.

It is past time to correct these flawed formulas.

I know many believe that, in fact, everyone should have some of these monies. Actually, this amendment does that. This amendment recognizes that.

It does not encompass the full essence of the Commission's report. It recognizes that. So, ultimately, I would say to our friends, notwithstanding that, there are times when we have legislation on this floor that benefits some States greater than others, but we look at it as we are from one country. There are times in which there is a lot more money for flood protection, and those of us who do not receive that type of money say: We understand that. That is the nature of the challenges of those fellow States in our Nation. In the agriculture bill there will be a lot of money going to other States that certainly will not be coming to States such as New Jersey, but we understand that. We are one nation.

Today, I hope the Members of the Senate will come to understand in this issue, as well, we are one nation and the greatest risks—the greatest risks—flow to those who have the greatest challenges. If we had unlimited money, I would be the first to say we could use it all as part of revenue sharing to make sure the allocation for each State would be such that they could decide to use it to meet their homeland security objectives. But we do not. If there is one part of all of the largess of the Federal Government that I think has to be based on the question of necessity, has to be based on the question of risk, it clearly is in homeland security funding.

Now, I believe, as do many of my colleagues who support this amendment, we should follow the recommendation of the 9/11 Commission in its entirety and base 100 percent of the homeland security funding on risk. But this amendment recognizes the need to compromise. We recognize every State should be prepared for and be able to respond to terrorism. Under this amendment, each State would receive a base amount. The difference is, we ensure the vast majority of the funds will be based on risk. In fact, under this amendment, 99 percent of all of the funds would be allocated based on risk.

Senators LIEBERMAN and COLLINS clearly recognize we should be basing funding more on risk. In this bill they have clearly worked to reduce the base amount for States, moving us toward a more risk-based approach. I sincerely appreciate their efforts to make more funding allocated on risk, and I certainly commend them for taking a very important step forward in the right direction. But that formula is still a detriment to States facing the most risk.

Under the bill's language, money would be diverted from States with the highest risk to States that do not even have enough risk to receive the minimum base amount. What does that mean? It means after the calculation is done, there will be some States with a risk equation that will not rise to the level of receiving even the minimum base amount. Yet, under the bill, even though their risk calculation is not as great, they will receive the minimum

base amount. This would cause States such as New Jersey to lose a full 6 percent of the funding they should receive based on risk. That means under the formula in this bill, New Jersey could lose three-quarters of a million dollars because that money would be redistributed to States with relatively low risk.

Like many other States represented by the supporters of this amendment, New Jersey has a wide range of targets. More than a dozen sites in the State are on the FBI's National Critical Infrastructure List. The 2-mile stretch between Port Newark, Port Elizabeth and Newark International Airport has been deemed the “most dangerous two miles in the United States when it comes to terrorism.” The port of New York and New Jersey, which largely resides in New Jersey, is the largest container port on the east coast, the third largest in the country.

Not only does our State face significant threats because of its critical infrastructure, but some of the most densely populated communities are in close proximity to these targets. In South Kearny, for instance, 12 million people live in close proximity to a chlorine chemical plant. Close to 19 million people live in the New Jersey-New York metro area who could be affected by an attack on such a plant. The loss of life due to an attack at one of New Jersey's most vulnerable targets would not only devastate New Jersey but the region and the Nation.

We have to be realistic about where the greatest threats lie. Our Nation has many targets. No one would argue we should not aim to protect each of them. But we cannot pretend every community in the country faces the same risks and the same threats of terrorist attack. The fact is, terrorists want to strike where they can inflict the greatest damage. That is why our major urban areas are consistently at the top of the threat list.

We cannot afford to shortchange our most at-risk targets because of revenue sharing. Each State should receive its fair share based on its risks—no more, no less. That is what this amendment is all about. Ultimately, I see our colleagues, who are the prime sponsors of this amendment, put out a statement that 70 percent of the States receive additional funding under this risk-based approach—70 percent of the States. So we, in fact, move closer and closer to the right policy determination that the 9/11 Commission called for, unequivocally, and, at the same time, by doing the right thing, 70 percent of the States get more money.

The 9/11 Commission has repeatedly called on Congress to implement this key provision, and it has urged Congress not to make homeland security funds into pork barrel. The 9/11 families pleaded with this body to end the senseless formulas that leave our most at-risk targets vulnerable. Countless homeland security experts have called to end the minimum amounts to States and move to a true risk-based system.

I hope my colleagues this one time will put aside their adherence to a formula that is not in the security interests of our nation as a whole—as a whole—and will now allocate funding in a way that will protect not just my State or other States similarly situated but will truly work to protect the Nation as a whole.

When we had those attacks on that fateful day on September 11, yes, most of the lives lost were from New York and New Jersey, as well as other States, but the consequences to the Nation were much greater—much greater.

So I hope again, where the greatest threats lie, where the greatest risks lie, where we have seen time after time where the terrorists have chosen to try to focus their attacks, we understand this is one element of our domestic policy where we cannot afford simply to have revenue sharing. I have taken agricultural votes on behalf of our friends, understanding that a lot of that money is not coming to New Jersey. I have done the same thing with flood protection and done it on so many other issues because we are one Nation. This is one in which we are under one Nation as well, and it is one in which risk has to drive our funding. I hope that when 70 percent of other States receive additional support under this amendment, we will find a majority vote on its behalf and move us pretty close to what the 9/11 Commission called for.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Madam President, I first wish to say that my colleague delivered a message that was clear and specific. It was a very valuable reminder of what we are discussing today, including his commentary about the fact that we are as a nation looking at the problem we see in front of us now.

On September 11, 2001, 700 of our fellow New Jerseyans never came home. One of my daughter's closest friends with whom she worked on Wall Street perished, and her husband searched for more than 2 weeks. After the obvious was apparent—that she was gone—refusing to believe it, he went from hospital to hospital, wherever one was within any reasonable distance, hoping against hope that maybe his wife would be alive and the mother of his three children would be there to encourage them on in their lives.

The stories about all kinds of friends and all kinds of neighbors are endless. In the area we are talking about in New Jersey that was directly hit, who didn't know someone or who didn't know someone who knew someone—even though we are a densely populated State, still, in all, the names touched so many lives and so many people. We saw the smoke rise and debris fall on that fateful day. It was just across the river from us and from where I live and I think close to where my colleague lives. When one looks at the skyline of

New York now, there is an empty space where these proud buildings stood. I was a commissioner for the Port Authority of New York and New Jersey and thusly had offices in the Trade Center building. I remember seeing people come to work in the morning, over 50,000 people in just a few buildings—more than the population of many cities in our country. It was devastating.

We shouldn't forget that attack brought aviation to a standstill, that it had an effect felt way beyond New York and New Jersey and highlighted the fact that you can't just take areas, important areas around the country, and say: Well, that is kind of a local situation. It is not true. It is not true. As Senator MENENDEZ pointed out, when it comes to other needs of other States, it has to be understood that when they are in peril, they are entitled to get as much help from the Federal Government as they can.

So why are we protesting at this time? This discussion has taken place over the last couple of years. Now we are seeing another attempt to reduce the maximum amount of funding available to those places which are most at risk.

I support most of the legislation before us now. I am concerned with the one part of this bill that does not follow the 9/11 Commission recommendations, the one that is being reviewed right now. Recommendation 25 of the 9/11 Commission Report said that homeland security grants should be distributed based solely on risk. This bill doesn't go sufficiently far enough to a full risk-based approach. Secretary Chertoff, whom we have seen here at many hearings, confirmed that. We looked at what he said. He said we should look not at the question of political jurisdiction but at where the consequences would be catastrophic, where the vulnerabilities would be, where the threats are. Clear statements. Despite that, this legislation directs the Department of Homeland Security to give a minimum amount of money to every State regardless of the risks or threats it faces.

When I served on the Homeland Security Committee—and I commend the former chairman and the current chairman for a lot of the work that was done there—we had a disagreement, and I tried in a committee hearing to move the committee at least to endorse the fact that these funds should be distributed solely on a risk basis. I was the only one who voted aye for it out of I think 16 people in attendance.

So at some point, I don't know why the call doesn't go out that says: Look, do this on a sensible basis. Do this on an as-needed basis. Give the opportunity to the places most at risk to protect themselves. It is more than good policy; it just makes common sense. Our military doesn't move troops evenly around the globe. You place your resources strategically. Why should homeland security be different?

If you want to protect the most people in our country from risk, why not do that? We do that constantly in all kinds of projects, whether they be flood projects or otherwise in places that are prone to natural disasters. It makes sense that we spend more on homeland security in America's at-risk areas.

Senator FEINSTEIN and Senator CORNYN and I and others have an amendment to give at-risk States the money they need to protect their residents and their communities and sensitive places where an attack could severely damage the national viability.

We have seen something recently that highlights the situation in New Jersey where chlorine is manufactured and stored in large quantities, and we learned from the change in the tactics now in Iraq that chlorine is being used as a brandnew weapon there. The use of chlorine was devastating. It killed a few people but made many more deathly ill, requiring hospitalization and severe treatment to try to protect their lives.

We are talking about the most dangerous 2 miles in the country as certified by the FBI. Why not take advantage of the fact that we would be protecting not only the well-being of people in the surrounding area, but we would protect the functioning of our society. So we ought to move closer to the 9/11 Commission's recommendation that homeland security be distributed on risk and threat and cut the minimum amount of money that will be distributed to each State.

Secondly, it will result in more homeland security for 35 States that are more at risk. We are not just talking about New Jersey and New York; they are most prominent because we felt it and we have lost friends and neighbors as a result of that attack. But that was not the first time. It was the second time the World Trade Center was attacked. How many times must it happen before somebody who is leaning on one side or the other says: You know what, we don't want those people to be harmed further or that area to be damaged further. And the invitation is certainly there to do just that.

We must consider the large States such as Ohio. If something happens in some of the Western States, the way the winds blow in our country, they will deliver toxic emissions all the way across the country—Georgia, for instance, and Nevada, Maryland, and Massachusetts. The array is impressive because it deals primarily with the largest population centers in the country and the money that could be brought to protect these centers should not just be dealt out on a traditional pork-like basis. We still haven't reached 100 percent risk-based funding. This amendment, however, is an improvement over current law, an improvement over the bill before us today.

I would like to be able to report to the 9/11 Commission that we as a Senate did more than simply debate the

Commission's findings. We ought to be able to tell them we voted to give more resources to the people, cities, and States that need more protection. They worked very hard to hammer out the Commission report, and I believe it is fair to say that the Feinstein-Cornyn-Lautenberg amendment will do just that. I encourage my colleagues to support it.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

AMENDMENT NO. 342 TO AMENDMENT NO. 275

Ms. COLLINS. Madam President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. STEVENS, Mr. VOINOVICH, and Mr. WARNER, proposes an amendment numbered 342 to amendment No. 275.

Ms. COLLINS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 342

(Purpose: To provide certain employment rights and an employee engagement mechanism for passenger and property screeners, and for other purposes)

Strike section 803 (relating to Transportation Security Administration personnel management) and insert the following:

SEC. 803. EMPLOYEE RIGHTS AND ENGAGEMENT MECHANISM FOR PASSENGER AND PROPERTY SCREENERS.

(a) APPEAL RIGHTS; ENGAGEMENT MECHANISM FOR WORKPLACE ISSUES; PAY FOR PERFORMANCE; UNION MEMBERSHIP.—

(1) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended—

(A) by striking “Notwithstanding” and inserting the following:

“(1) IN GENERAL.—Except as provided in section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) and paragraphs (2) through (5), notwithstanding”;

(B) by adding at the end the following:

“(2) RIGHT TO APPEAL ADVERSE ACTION.—An individual employed or appointed to carry out the screening functions of the Administrator under section 44901 of title 49, United States Code, may submit an appeal of an adverse action covered by section 7512 of title 5, United States Code, and finalized after the date of the enactment of Improving America's Security Act of 2007, to the Merit Systems Protection Board and may seek judicial review of any resulting orders or decisions of the Merit Systems Protection Board.

“(3) EMPLOYEE ENGAGEMENT MECHANISM FOR ADDRESSING WORKPLACE ISSUES.—At every airport at which the Transportation Security Administration screens passengers and property under section 44901 of title 49, United States Code, the Administrator shall provide a collaborative, integrated employee engagement mechanism to address workplace issues.

“(4) PAY FOR PERFORMANCE.—The Administrator shall establish a system to ensure that an individual described in paragraph (2) is compensated at a level that reflects the performance of such individual rather than the seniority of such individual.

“(5) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an individual described in paragraph (2) from joining a labor organization.”.

(2) CONFORMING AMENDMENTS.—Section 111(d)(1) of such Act, as redesignated by paragraph (1)(A), is amended—

(A) by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(B) by striking “Under Secretary” each place it appears and inserting “Administrator”.

(b) WHISTLEBLOWER PROTECTIONS.—Section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) is amended, in the matter preceding paragraph (1), by inserting “, or section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note),” after “this Act”.

(c) REPORTS.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Transportation Security Administration and the Comptroller General of the United States shall each submit an independent report to Congress that contains an assessment of employment matters at the Transportation Security Administration, including the implementation of this section.

Ms. COLLINS. Madam President, because I know the Senator from South Carolina is waiting to speak, I will not go into any detail about this amendment, but I did want to file it so that my colleagues have a chance to look it over, overnight.

This amendment is an attempt to reach a middle ground on the issue of rights for TSA employees. It provides that TSA employees may join a union; may have a pay-for-performance system; will have the right to appeal to the Merit Systems Protection Board any adverse employment actions, such as demotions or firings, so they would have the same rights in that regard as other Federal employees; and it would give them explicit protections under the Whistleblowers Protection Act. It also calls for a review in 1 year's time of the personnel system to see if further changes are needed, and it asks GAG to evaluate the system.

This amendment is cosponsored by Senator STEVENS, Senator VOINOVICH, and Senator WARNER at this point.

Again, this is an attempt to find a middle ground on the TSA issue. The TSA employees do a terrific job working very hard to protect us. I believe the current law does not afford them the kind of workplace protections they deserve. Yet we want to preserve the flexibility of the TSA to be able to move people, to deploy them, to respond to imminent threats, new intelligence, or any sort of emergency situation. I believe this amendment would achieve that goal.

I will be talking about the amendment in more depth tomorrow.

Madam President, I yield the floor, and I ask that the Senator from South Carolina be recognized.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from South Carolina is recognized.

AMENDMENT NO. 316

Mr. DEMINT. Madam President, I know Senator COLLINS wants to put security first in this bill, and I am looking forward to seeing her compromise amendment, but I am standing today to speak on the ongoing efforts by my Democratic colleagues to force the Transportation Security Administration—these are the folks who guard our airports today—to collectively bargain with labor unions on the decisions they make.

The Senator from Missouri, Senator McCASKILL, is offering an amendment that I consider very dangerous. I wish to make sure my colleagues understand all that is at stake.

First, this debate is about one thing and one thing only: whether Congress believes that our airport security agency—what we refer to as TSA—should have to negotiate with unions before it can carry out decisions that will save American lives. That is what this debate is about. The McCaskill amendment will change current law to force our airport security agency to negotiate with unions. The DeMint amendment will protect current law, which makes security TSA's top priority.

The security implications of this policy are becoming clear, and that is why there is an effort by my Democratic colleagues to cloud the issue. Rather than admitting that collective bargaining is a labor union initiative, not a 9/11 Commission recommendation, my Democratic colleagues are now trying to paint it as proworker and prosecurity. This is extremely disappointing because the truth is that the McCaskill amendment is pronoun and it weakens security.

When you boil it down, the McCaskill amendment will force airport security workers or the airport security agency, TSA, to bargain with labor unions before they make security decisions. Let me say that again. The Transportation Security Agency will have to bargain with labor unions before they make security decisions.

This is an earmark for big labor that comes at the expense of homeland security. I wish to go through the arguments offered by the other side and make sure everybody understands why they are misguided.

First, my colleagues say their collective bargaining amendment will prevent TSA screeners from going on strike and bargaining for higher pay. But the truth is that screeners could not strike anyway because the law prohibits Federal employees from striking. In addition, prohibiting bargaining for pay is also meaningless, since the Department of Homeland Security pay system does not allow bargaining now. So on this point, the other side is simply trying to cloud the issue and mask their union earmark with meaningless rhetoric.

Second, my colleagues say their collective bargaining amendment will create new workforce protections for security screeners. But the truth is, these

benefits already exist. Workers already have whistleblower protection through a memorandum of understanding with the Office of Special Counsel. Workers already have protection against discrimination through the alternative resolution of conflict program. Workers already have due process protections against disciplinary actions that are more efficient than the protections offered to other Federal employees.

Madam President, again, we are talking about the collective bargaining amendment. I was pointing out the protections that current TSA workers have. They have whistleblower protection, protection against discrimination, and they already have due process protections against disciplinary action that is more efficient than the protections offered by Federal workers.

Security screeners already have the right to appeal adverse actions to TSA's Disciplinary Review Board, which provides due process equivalent to that available to other Federal employees.

Workers already enjoy access to the Rehabilitation Act, except where Congress has specified that security job functions require certain aptitudes and physical abilities.

So all of these proworker provisions are redundant and meaningless in any amendment to current law. They are only being offered to mask the true goal of the amendment, which is to force TSA to bargain with unions on their security decisions.

The other side also likes to say there are high attrition rates at TSA and that collective bargaining would stabilize the workforce. I am afraid this is also false. Before 9/11, when airport security was under collective bargaining, attrition rates were as high as 400 percent at some airports. Now the voluntary attrition rate for full-time employees is down to 12.6 percent, and it is falling. This is not only significantly lower than pre-9/11 levels, but it is also lower than the attrition rates for the private sector as a whole and lower than the Federal Government as a whole. So my colleagues must understand that these are good jobs, attrition is low and falling, and attrition is not a valid reason to create collective bargaining.

It is also important that my colleagues understand how the collective bargaining amendment will weaken our homeland security, which is the priority of the 9/11 Commission bill.

First, the amendment creates a security trigger that will allow TSA to turn collective bargain on and off. This acknowledges that collective bargaining weakens security. I wish to repeat so my colleagues understand my Democratic colleagues agree that collective bargaining reduces security, and they feel obligated to offer a way to bypass it.

But this so-called trigger for emergencies only makes the problem of collective bargaining worse. The language defining emergencies and newly immi-

nent threats is so vague it will take an army of lawyers to determine whether each circumstance meets the definition. This will hurt our security and force TSA to be reactive and slow in its efforts to prevent future attacks.

If my colleagues need proof that there will be wide disagreement as to when the security trigger can be used, they only need to hear the comments made by the sponsor of this amendment. When I asked if the current ongoing global war on terror would be considered an emergency under the amendment, the Senator from Missouri said it would not. If TSA cannot use the war on terror as a reason to protect Americans from al-Qaida and other terrorists on a daily basis, under what circumstance can it use this flexibility?

This underscores the issue that lies at the heart of this debate. On one side, there are those who believe we should always be on alert and that we must treat every person and every bag going through our airports as a potential threat. On the other side, there are those who believe we are not under constant threat and we can simply turn on and off our ability to prevent future attacks. That is the real disagreement because we all seem to agree collective bargaining weakens security.

In addition to allowing our security to be switched on and off by unions, the McCaskill amendment creates all the same problems as full-blown collective bargaining.

First, it still forces TSA to sign huge collective bargaining contracts, such as Customs and Border Patrol have now, and it could mean hundreds of separate contracts at airports across the country. Instead of streamlining security, it will create complex guidelines that make it harder to share and shift resources between airports as threats emerge.

Second, it still forces TSA to set up a huge new bureaucracy for collective bargaining, putting new layers of red-tape ahead of security and redirecting resources away from security and toward labor management. This new bureaucracy will cost TSA at least \$160 million over the next year, forcing it to take 3,500 screeners off security checkpoints and doubling the wait time for passengers.

Third, it still forces TSA to terminate its pay-for-performance system that currently rewards screeners for their proficiency rather than their seniority. This will only reduce TSA's ability to maintain a qualified workforce.

Fourth, it still forces TSA to share sensitive security information with unions, compromising air travel security. The amendment claims to protect "properly classified" information, but it doesn't address other types of sensitive information, such as the emergency plans for our airports.

This brings me back to my original point. This debate is about collective bargaining and whether it makes us more or less secure. All the talk about

worker benefits and workplace protections and security triggers is meant to cloud the issue and prevent Senators from being accountable for their votes. This collective bargaining proposal has nothing to do with preventing another 9/11. In fact, it could increase the chance of another such attack, and my colleagues should consider that before they vote.

There are only two reasons to vote for the McCaskill amendment: either political payback or out of political fear. I hope my colleagues will not act on either. Democrats should not pay back unions at the expense of our security, and we should not be afraid to stand up against union bosses so we can keep America safe.

I urge my colleagues to oppose the McCaskill amendment.

It will not only weaken our security, it will also kill this bill. The President will veto it and the Senate will sustain his veto. So that leaves the other side of the aisle with a clear choice. They can either have a political showdown with the President over an earmark for labor unions or they can take this provision out of the bill and make some progress on our security agenda.

The DeMint amendment protects American security. The McCaskill amendment protects unions.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider the nomination of Carl Joseph Artman to be Assistant Secretary of the Interior; that there be 10 minutes for debate, equally divided between the chairman and ranking member of the Indian Affairs Committee; that at the conclusion of that time, the Senate vote on confirmation of the nomination; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF CARL JOSEPH ARTMAN TO BE ASSISTANT SECRETARY OF THE INTERIOR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Carl Joseph Artman, of Colorado, to be Assistant Secretary of the Interior.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, I am pleased to speak on this nomination with my colleague from Wyoming, Senator THOMAS. I chair the Indian Affairs Committee. Senator THOMAS is vice chair of that committee.

This is the nomination of Carl Artman to be Assistant Secretary for Indian Affairs. Mr. Artman is an American Indian from the Oneida Tribe of Wisconsin. He is highly qualified. He was nominated twice—once last year by President Bush. Last year, I supported his nomination, which was held up in the Senate. He has been nominated recently again by the President. I held an immediate hearing with Senator THOMAS on his nomination. We passed it out of the committee the same day, and we have been waiting to get it to the floor.

There has been a hold on the nomination, regrettably. With some irritation, I say it has been 2 full years last month that this position has been vacant. The position of Assistant Secretary for Indian affairs—a position that has existed in this Government since 1806—is one that is responsible for the trust responsibilities and all of the other issues that relate to treaties with Indian tribes. It has always been considered a very important position. For 2 years it has been vacant. That is unbelievable. Nowhere in this country are there more significant and enduring problems than those that exist on many Indian reservations. Many live in Third World conditions. I have told stories of people freezing in their homes in the winter. There are housing crises that exist on Indian reservations. There are health care crises and education crises. It is unbelievable. We need to have this position filled. Finally, at long last, today we will have a chance to vote on the nomination.

I am sure there will be an overwhelming vote in support of a well-qualified candidate sent to us by President Bush first last year, then held up, unfortunately, in the Senate, and now this year, held up until now. Finally, perhaps, at long last we will do what we should have done long ago on behalf of American Indians, and that is to put someone in the position of the Assistant Secretary for Indian Affairs to be involved in managing and reacting to all of these responsibilities that have been long ignored—too long ignored, in my judgment.

I come today to support this nomination. My colleague, Senator THOMAS, will speak for himself, but we have worked together in support of trying to get this nomination to the floor of the Senate. American Indians and Native Alaskans—my colleagues know the information—have higher rates of tuberculosis, 600 percent higher than other American citizens; substance abuse, alcohol abuse, 500 percent higher; diabetes, in some cases up to 10 times the rate; Indian youth suicide, 10 times the rate of the rest of the country.

These are unbelievable circumstances. We have to begin to deal

with these issues. That is what we are trying to do on the Indian Affairs Committee. But it is absolutely shameful this position has been open for 2 full years. It has been vacant 2 years. This is a well-qualified person. I have met with him a couple of times. I was proud to move his nomination through the committee. This is a well-qualified person, an American Indian from the Oneida Tribe in Wisconsin.

At long last, I hope today we will decide to give Senate approval to President Bush's nomination and give Mr. Carl Artman the opportunity to assume this role of Assistant Secretary for Indian Affairs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Madam President, I join my friend, the chairman of the Indian Affairs Committee, in supporting Carl Joseph Artman for Assistant Secretary for Indian Affairs. We have waited a good long time to get to this point.

Mr. Artman is an excellent candidate with diversity of experience in both the private and public sectors. He has the leadership and academic credentials needed for this necessary and extraordinarily demanding position.

The Assistant Secretary for Indian Affairs implements the Federal Indian policy set by Congress and facilitates the government-to-government relationship with 561 Indian tribal governments.

The Assistant Secretary, as you might imagine, is responsible for a variety of activities, including economic development, law enforcement, trust asset management, social services, and education.

I will not take a long time, but I just want to say the Assistant Secretary must be balanced in meeting these needs. I think this gentleman will be. He has pledged to facilitate a more vibrant communication between Indian tribes and their neighbors.

The job of Assistant Secretary for Indian Affairs has been exponentially more difficult because of the methamphetamine plague that is ravaging this Nation's Indian communities, and he is committed to fighting this terrible epidemic. We can certainly support that effort.

Madam President, you know how important it is to have leadership in this area, and we haven't had it for a very long time. There are many other challenges confronting Indian country that cannot be met without strong leadership within the Bureau of Indian Affairs, and yet the position has been vacant for 2 years.

Mr. Artman will serve the country well. I urge my colleagues to join me today in moving expeditiously toward confirmation.

I yield the floor.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Is all time yielded back?

Mr. LIEBERMAN. Yes, I ask that all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Carl Joseph Artman, of Colorado, to be an Assistant Secretary of the Interior? The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Vermont (Mr. LEAHY), the Senator from Illinois (Mr. OBAMA), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. MCCAIN), and the Senator from Pennsylvania (Mr. SPECTER).

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 1, as follows:

[Rollcall Vote No. 59 Ex.]

YEAS—87

Akaka	Dole	McConnell
Alexander	Domenici	Menendez
Allard	Dorgan	Mikulski
Baucus	Durbin	Murkowski
Bayh	Ensign	Murray
Bennett	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Graham	Pryor
Boxer	Grassley	Reed
Brown	Gregg	Reid
Bunning	Hagel	Roberts
Burr	Harkin	Rockefeller
Byrd	Hatch	Salazar
Cantwell	Hutchison	Sanders
Cardin	Inhofe	Schumer
Carper	Inouye	Sessions
Casey	Isakson	Shelby
Chambliss	Klobuchar	Smith
Clinton	Kohl	Snowe
Coburn	Kyl	Stevens
Cochran	Landrieu	Sununu
Coleman	Lautenberg	Tester
Collins	Levin	Thomas
Conrad	Lieberman	Thune
Corker	Lincoln	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	Webb
Crapo	Martinez	Whitehouse
DeMint	McCaskill	Wyden

NAYS—1

Vitter

NOT VOTING—12

Biden	Johnson	McCain
Brownback	Kennedy	Obama
Dodd	Kerry	Specter
Enzi	Leahy	Stabenow

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

IMPROVING AMERICA'S SECURITY
ACT OF 2007—Continued

AMENDMENT NO. 328, AS MODIFIED

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that amendment No. 328 be modified, with the changes at the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To require Amtrak contacts and leases involving the State of Maryland to be governed by the laws of the District of Columbia.)

On page 299, between lines 2 and 3, insert the following:

SEC. 1337. APPLICABILITY OF DISTRICT OF COLUMBIA LAW TO CERTAIN AMTRAK CONTRACTS.

Section 24301 of title 49, United States Code, is amended by adding at the end the following:

“(n) APPLICABILITY OF DISTRICT OF COLUMBIA LAW.—In the case of Maryland, any lease or contract entered into by the National Railroad Passenger Corporation after the date of the enactment of this subsection shall be governed by the laws of the District of Columbia.”.

Mr. LIEBERMAN. I thank the Chair, and I yield the floor.

Mr. COBURN. Mr. President, I ask that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 325 TO AMENDMENT NO. 275

Mr. COBURN. Mr. President, I call up amendment No. 325.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 325.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure the fiscal integrity of grants awarded by the Department of Homeland Security.)

On page 106, preceding the matter on line 7, insert the following:

SEC. 204. COMPLIANCE WITH THE IMPROPER PAYMENTS INFORMATION ACT OF 2002.

(a) DEFINITIONS.—In this section, the term—

(1) “appropriate committees” means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(2) “improper payment” has the meaning given that term under section 2(d)(2) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(b) REQUIREMENT FOR COMPLIANCE CERTIFICATION AND REPORT.—The Secretary shall

not award any grants or distribute any grant funds under any grant program under this Act or an amendment made by this Act, until the Secretary submits a report to the appropriate committees that—

(1) contains a certification that the Department has for each program and activity of the Department—

(A) performed and completed a risk assessment to determine programs and activities that are at significant risk of making improper payments; and

(B) estimated the total number of improper payments for each program and activity determined to be at significant risk of making improper payments; and

(2) describes the actions to be taken to reduce improper payments for the programs and activities determined to be at significant risk of making improper payments.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, by our estimates, this bill is about \$17-plus billion. As I said, it has not been scored. The House bill that will be merged with this in conference is over \$20 billion. That is a large chunk of change for the American taxpayer. What we know is a lot of the grants which make up about \$3-plus billion a year over the next 5 years of the vast majority of this bill will be homeland security grants of one type or another. What we know is the Department of Homeland Security has not followed the law when it comes to improper payments.

What the Improper Payments Act of 2002 required of every agency of the Federal Government was that they perform a risk assessment of every program they have, that they develop a statistically valid estimate of improper payments, that they develop a corrective action plan, and they report the results of those activities to us.

This is not an optional plan for the agencies. Yet this plan has been ignored since its inception and since the creation of the Department of Homeland Security. We are getting ready to send another \$17- to \$18 billion-plus out the door for homeland security grants—that is the majority of this—and we know the Department of Homeland Security is not in compliance with the Federal law.

The reason the law exists is to make sure we get good value for the taxpayers' money. The year 2004 was the first year the agencies were required to respond to this act. It is worth noting again that there is not an agency of the Federal Government, not one agency, that is exempt from this law. This is not a request. This is a statutory requirement of every agency.

The Department of Homeland Security has not even complied with the first step of this law. They have not performed risk assessments for the programs to be of significant risk of making improper payments. They are an at-risk program according to the analysis, yet they have not even looked to do a risk assessment. The Government Accountability Office has found at least six major programs at this Department are out of compliance with

the Improper Payments Act. The Department of Homeland Security's independent auditor has repeatedly cited noncompliance, and the Department of Homeland Security continues to face significant challenges with FEMA and the Individual and Households Program.

Based upon the Department's performance and accountability report and their independent auditor assessment, the following programs are out of compliance with the improper payments act: Customs and Border Protection; Office of Grants and Training; Federal Air Marshals—the Coast Guard was supposed to have done a performance evaluation and risk assessment but it has not been done; FEMA; the Transportation Security Agency; and Immigration and Customs Enforcement. Not one of them has performed the first risk assessment as to improper payments.

In case you think that is not a lot of money, we have already spent over \$25 billion in grants through the years for these programs, of which we have not looked at the problem accounts. The press is replete with problems in terms of these grants: \$9 billion on State and local preparedness grants—that is what we get from DHS. Secretary Chertoff at the most recent hearing said \$5 billion of the money, another \$5 billion—part of which has been obligated but has not gone out the door yet.

I think we owe it to the American people, if there is a law on the books, before we send more money out the door the agency ought to comply with the law. They ought to at least do a risk assessment. If there is no risk, that is fine. Then they will have complied with the law. But if there is risk, we ought to be identifying the risk. Every dollar we spend wastefully is a dollar we don't use to protect ourselves in terms of our security.

KPMG was the independent auditor for 2004, 2005, and 2006 for the Department of Homeland Security. In each one of those years they were out of compliance with this act. Specifically, the Department is cited for not instituting a systematic method of reviewing all practices and identifying those believed to be susceptible to erroneous, improper payments. The most important part of the Improper Payments Act is to create the process of good, strong oversight within the Department to make assessments about whether they are making improper payments. What this assessment does is it identifies where those improper payments could have been made, and that is essential to find out where the problems exist.

This amendment does not debate any of the merits of the Department's programs. It simply demands compliance with the transparency and accountability measurements that already exist under current law. If we want the American people and the executive branch to take us seriously, Congress must demand compliance with the laws that are laws. We cannot back off.

This amendment is not a surprise to the Department of Homeland Security. They know they are failing and they need to respond to it. This amendment in no way jeopardizes State funding. Let me tell you why. It is because there is a pipeline of 9 to 12 months in the works already on grants that are going there. For this to have any impact would mean they would have to not respond for another year before those grants would be in jeopardy. Some of my colleagues say, You can't do this. You can't put these grants at the risk of noncompliance of an agency in terms of meeting the law. The question ought to be, Why not? Why shouldn't we put the agency at risk with their grants for being noncompliant?

The other point I make is most of these grants go to States and localities. The problem with the grants is there is some culpability on the part of the States and the localities in terms of these grants. The States are not totally innocent. There is \$2.5 billion that has not even been awarded yet that still can be awarded before this takes effect. So there is still another \$5 billion, which is greater than the amount we spend in any one year on these grants. What this amendment says is they cannot go past that unless they have complied with the law.

If we are not going to agree to this amendment, then we need to trash the Improper Payments Act. If we are not going to say the Department of Homeland Security has an obligation to follow the law, then we ought to take the law off the books. We know for sure in the other areas of the Federal Government we have somewhere between \$40- and \$80 billion worth of improper payments. We know we have \$40 billion of improper payments, overpayments, in Medicare; somewhere close to \$30 billion in Medicaid. We have a third of the Earned Income Tax Credit that we know were improper payments and we have only looked at 40 percent of the Government; 60 percent of the Government still isn't complying.

We ought to say right now if we are going to put more money through the door, the American taxpayer ought to have value for the money they send through that door. What we are saying is we want them to be accountable, to be accountable as an agency of the Federal Government. There ought to be transparency. We ought to be able to see where they are making mistakes and where they are not. The question of not even asking the question is what we are debating with this amendment; they are in absolute noncompliance with the Federal law that requires them to be compliant about whether their grants are improperly paid or funding other than what they expected to fund.

Investigation showed FEMA spent millions on puppet shows, bingo, and yoga in south Florida. There is an article in the National Review, 7/19/05, on homeland pork. Baltimore Sun, 5/29/05,

chasing security with dollars. The only transparency we have here is that there is a total lack of transparency in the Department of Homeland Security.

Needless to say, this is a bill that goes far outside 9/11 recommendations. The 9/11 recommendations said all money should be risk based. What we have turned around with the 9/11 bill, this one and what had passed in the previous Congresses, is a way to dole out money to States and not hold them accountable.

What this amendment says is you are going to have to start being accountable. If we are going to send out another almost \$20 billion in terms of grants, Homeland Security ought to have to follow the law in terms of improper payments.

Remember, these grants are not competitively awarded—which is very different than the grants we have in almost every other Federal program. The fact they are not competitive is another reason, a much greater reason, for us to demand accountability and transparency at the Department of Homeland Security. These grants are also not let on the basis of risk. Some are. In some of these it will be down to .45 percent, others at .75, and a few at .25. Most of them have no local match so there is no risk on the side of the States or the municipalities that get these grants.

Just a note: The best way for Congress to practice spending discipline is to demand that the agencies comply with the laws assuring appropriated dollars are spent adequately, appropriately, and lawfully. We have yet to do that with many agencies.

DHS is a good place to start. FEMA awarded \$22.6 million for crisis counseling for victims of Hurricanes Rita and Katrina—\$22.6 million. Katrina did not even hit Florida. Yet a large portion of that was spent in Florida. There is no accountability. There was no risk assessment. Was there a risk? They have not done the work we demand by the law and what is being demanded of other agencies.

There was an article in the Florida Sun. I cannot vouch for its accuracy, but where there is a little smoke there is some fire. Of the \$1.2 billion in aid that FEMA granted to individuals—not municipalities or contractors but to individuals—affected by the weather disasters between 1999 and 2004, the Florida Sun-Sentinel found of \$1.2 billion, at least \$330 million of that went to people who did not personally suffer any damage or disruption from the storms. That is a fourth of the money out of that \$1.2 billion. No wonder we have a deficit. No wonder. Because we are not willing to take the time to force an agency to do what they should be doing under the law.

I want to talk for a minute about this bill. The 9/11 Commission was very succinct and direct, noting that we have tremendous vulnerabilities and risks and exposures throughout this country. They were very clear to state

that money that comes out of Congress to address those ought to be absolutely risk based. The House bill at least is down to 0.25 percent for every State. What that gives us is about 15 percent of the money is going to go to the States regardless of their risk. So that is about \$3.5 billion or \$4 billion—no risk, you are going to get Homeland Security grants even though you have no risk.

Think about what we are going to ask ourselves if we have another terrorist attack and it is in one of the high-risk areas and we have sent, year after year after year, \$4 billion to areas that do not have a high risk and that money could have prevented that action.

With good fiscal discipline, we will best protect the people of this country. I know the tendency of this body is to make sure you get enough for you and to make sure you can go home and say we got this for you. You pat yourself on the back. But I wonder how many of us will be patting ourselves on the back when we buy things that are not absolutely necessary with these grants that are going to States and we ignore the very high-risk east coast, west coast, gulf coast, and the large metropolitan areas in this country that need more money while we are playing politics with 15 to 20 percent of the money. We will be judged on that, and that judgment will not be a pretty picture.

This amendment simply says no funds can go for any of these grants until FEMA and the Department of Homeland Security start complying with the Federal statute, which is called the Improper Payments Act of 2002. It is very straightforward.

What we will have raised is the fear that my State may not get some money. They have a year to comply. They have plenty of time to do what they have been asked to do. Senator OBAMA and I, this last year, over 8 months ago, sent a letter to the Department of Homeland Security asking why.

I ask unanimous consent to print that letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, November 16, 2006.

Hon. MICHAEL CHERTOFF,
Secretary, U.S. Department of Homeland Security,
Washington, DC.

DEAR SECRETARY CHERTOFF: We are writing with regard to a recent Government Accountability Office (GAO) report concerning improper payments at the Department of Homeland Security (DHS). The persistent pattern of improper payments limits the Department's ability to respond to our nation's most dire threats and hazards, and we seek assurances that you are taking adequate steps to address this problem.

As you may know, the GAO released a report on November 14, 2006 assessing the compliance of government agencies with the Improper Payments Information Act (IPIA) of 2002 (P.L. 107-300). Congress passed and the President signed the IPIA with the belief that the Federal government, as a steward of

taxpayer dollars, should safeguard these funds from improper payments and make timely and accurate reports on the improper payments that do occur, so that erroneous payments are not repeated in the future.

Based on the recently-released GAO report, it appears that DHS is not fulfilling its duty to address improper payments. Specifically, the Department appears to have failed to adequately perform the first step in reducing improper payments—assessing which of its programs are at risk for these payments. If an accurate risk assessment does not occur, the Department's ability to reduce improper payments is seriously compromised.

We understand that in the period evaluated by the GAO (in DHS' Fiscal Year 2005 Performance and Accountability Report), DHS identified no programs in the entire agency with a high risk for improper payments. However, the GAO analysis of certain DHS programs indicates that the Department has not "institute[d] a systematic method of reviewing all programs and identifying those it believed were susceptible to significant erroneous payments."

For example, GAO points to the Individuals and Households Program (IHP) within the Federal Emergency Management Agency. Despite warnings of reported financial management weaknesses in the IHP program from the DHS Office of Inspector General and the Senate Committee on Homeland Security and Government Affairs, DHS concluded that the program did not meet the OMB standard for identifying programs susceptible to significant improper payments—exceeding \$10 million and 2.5 percent of program payments. However, the GAO analysis of the IHP program reveals improper payments of approximately \$1 billion. In GAO's words, this "dramatically different" result—a difference of at least \$990 million—far exceeds the OMB requirement for a high-risk program.

In fact, this was the third year in a row that your independent auditor reported IPIA noncompliance for DHS. If DHS cannot accurately determine which of its programs are at risk for improper payments, it cannot take further steps to root out these payments. And if steps are not taken to root out improper payments in an agency with an annual budget of over \$34 billion, American taxpayer dollars will be left vulnerable to waste, fraud and abuse with funds that should have been used to protect them.

Please provide us with an explanation of how the Department failed to identify the IHP as a risk susceptible program during the risk assessment process for fiscal year 2005, potentially failing to account for as much as \$990 million in improper payments. We further ask that you provide details on how the Department plans to institute an improved method of reviewing all of its programs and identifying those programs that are susceptible to improper payments, in accordance with the letter and spirit of the law.

Please provide a response by December 15, 2006. Thank you in advance for your consideration of this important matter.

Sincerely,

BARACK OBAMA,
U.S. Senator.
TOM COBURN,
U.S. Senator.

Mr. COBURN. This letter was sent to Secretary Chertoff. The Federal Financial Management Subcommittee of the Committee on Homeland Security and Governmental Affairs had four hearings on improper payments. We know what is required. We know they can do it. What the Congress has to do is make them do it, if they want to spend

the money. It is only right for our children and grandchildren to get fair value for the taxpaying public, as we send out this money.

I am a skeptic when it comes to this body, when it gets away from the political porking that goes on. I am not sure this amendment will pass. But if it doesn't pass, I will offer an amendment to get rid of the Improper Payments Act because there is no reason to have a law that we are not going to enforce. If we are not going to enforce it, why is it on the books? It is similar to enforcing the borders. The law is there, but we don't do it.

We have to be accountable to the American public to make sure that agencies follow the law. This is a simple amendment that requires Homeland Security to follow that.

By the way, we have not had an answer to this letter. It was dated November 16. I spoke in error.

UNITED NATIONS FUNDING

I want to correct something I said last week on the United Nations. My numbers were wrong. We, in fact, do pay for about 22 percent of the unified budget at the United Nations, and our total contribution is in excess of \$5 billion. I had the ratios right, I had the numbers wrong. I want to correct that for the RECORD today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 305

Mr. SESSIONS. Mr. President, I call up amendment No. 305. I believe it is already pending, having been offered by Senator McCONNELL.

The PRESIDING OFFICER. The amendment is pending.

Mr. SESSIONS. Mr. President, I ask unanimous consent that Senators CRAIG, INHOFE, ISAKSON, and COBURN be made cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, it is critically important that we clarify the role of State and local law enforcement officers in the enforcement and apprehension of those who violate our immigration laws and that we expand the National Crime Information Center interest. It is critical that we have them participate because with expanded NCIC capability, which I am surprised is not already being done, they can be partners in Federal law enforcement efforts.

It would be in compliance with what the 9/11 Commission and other reports have asked us to do. It is a loophole in the system today that needs to be fixed.

The amendment I offer is a slimmed down version of the bill I offered in the last Congress, the Homeland Security Enforcement Enhancement Act. That was cosponsored by Senators CRAIG, INHOFE, and ISAKSON. The ideas contained in the amendment have also been supported by Senators KYL and CORNYN. They included it in their immigration bill last Congress. Senators

BEN NELSON and COBURN included those provisions in the Nelson-Sessions immigration enforcement bill in the last Congress.

Additionally, my amendment is almost word for word the provision that the Senate Judiciary Committee included when it marked up the Senate immigration bill last year and the provision that the full Senate voted for when it passed S. 2611.

The first section of the amendment reaffirms what I believe to be the existing inherent authority of State and local law enforcement to assist the Federal Government in enforcing the immigration laws of the United States during the normal course of carrying out their law enforcement duties. The amendment specifically states that the participation of State and local law enforcement personnel is not required, not mandated by this legislation. It is 100 percent voluntary.

Section 2 of the amendment deals with the listing of immigration violators in the National Crime Information Center database. State and local officers need easily accessible roadside access to critical immigration information, just as they would do for citizens of the United States who violate our laws. Officers routinely, when they stop people on the road, run National Crime Information Center database checks when they pull over suspects, speeders, or people they are investigating for other crimes. The NCIC is their bread-and-butter database. Today the immigration violators file of the National Crime Information Center database contains information on deported felons, alien absconders, and wanted persons, aliens with outstanding criminal warrants. That is in the National Crime Information Center database. But my amendment would direct that the Department of Homeland Security work with the FBI to place additional information on certain immigration violators into the already existing immigration violators file.

The four categories of immigration violators whose information would be entered are, one, aliens who have final orders of removal. That is someone who has been apprehended, gone through a hearing, and a judge has ordered finally that they be removed from the country for whatever violation; two, it would cover aliens under voluntary departure agreements who for one reason or another have signed an order that they would voluntarily deport themselves or leave the country; No. 3, it would cover aliens who are known to have overstayed their authorized period of stay, the visa overstay; and No. 4, it would cover aliens whose visas have been revoked. Sometimes people misbehave seriously. Twenty-seven percent of our Federal penitentiary bed spaces today are filled by noncitizens.

For some reason in recent years we are seeing a substantial number of

criminal aliens coming into the country. These are not bed spaces for immigration law violations, not people waiting to be deported. These are people who have been arrested, tried, or convicted of Federal criminal laws such as drug dealing and assaults or smuggling, things of that nature.

When State and local police officers encounter individuals during their regular law enforcement duties, it is important that they know if the individual in front of them falls into one of these violator categories. Importantly, my amendment includes a new procedure for removal of erroneous information from NCIC. If there is something entered incorrectly, under the new procedures an alien may petition the Secretary of the Department of Homeland Security or the head of NCIC to remove any erroneous information that may have been placed in that file to protect them from any unfair treatment.

These are recommendations that should already be law, but they are recommendations made in the 9/11 Commission Report. We are all familiar with those recommendations, and they have been included in the Hart-Rudman report.

On page 384 of the 9/11 Commission Report, the Commission says:

Our investigations showed that two systemic weaknesses came together in our border system's inability to contribute to an effective defense against the 9/11 attacks: a lack of well-developed counterterrorism measures as a part of border security and an immigration system not able to deliver on its basic commitments, much less support counterterrorism. These weaknesses have been reduced but are far from being overcome.

On page 390, the report says:

There is a growing role for State and local law enforcement agencies. They need more training and work with Federal agencies so that they can cooperate more effectively with those Federal authorities in identifying terror suspects.

In the fall of 2002, a year after the 9/11 attacks, the Council on Foreign Relations published the Hart-Rudman report entitled "America Still Unprepared, America Still in Danger." That report found that one problem America still confronts is that 700,000 local and State police officials continue to operate in a virtual intelligence vacuum. The first recommendation of the Hart-Rudman report was to "tap the eyes and ears of local and State law enforcement officers in preventing attacks." That is their first recommendation, to "tap the eyes and ears of local and State law enforcement officers in preventing attacks."

On page 19 the report specifically cited the burden of finding hundreds of thousands of illegal fugitive aliens living among the population of more than 8.5 million illegal aliens and suggested that the burden could and should be shared with the 700,000 local, county, and State law enforcement officers, if they could be brought out of the information void.

So this amendment I am offering tightly targets 9/11 Commission and

Hart-Rudman report recommendations that we look at the growing role for State and local law enforcement, that we move toward an immigration system that can "deliver on its basic commitments" as a way to fight terrorism, and that we "tap the eyes and ears of local and State law enforcement officers" in an effort to find the hundreds of thousands of fugitive aliens in the United States.

Most Americans would probably be amazed that is not occurring today. In fact, a recent poll of 3 years ago was done on this very subject. It found that a large majority of Americans believe that State and local governments should be aiding the Federal Government in finding alien fugitives. That is pretty commonsensical. In fact, a Roper poll found that 85 percent of Americans agree and 65 percent strongly agree—those are powerful numbers—that Congress should pass a law requiring State and local governments and law enforcement agencies to apprehend and turn over to INS, now ICE, illegal immigrants with whom they come in contact. That is pretty strong data.

It is important to note that those responses were collected in answer to questions about requiring State and local immigration enforcement action. So it is very likely that a poll on this subject, one about voluntary State and local assistance, would be even stronger.

Let me tell my colleagues about the problem that started my interest in this area and prompted me to offer this amendment, as well as 3 years ago to push for a hearing, which was held on April 22, 2004, in the Judiciary Committee entitled "State and Local Authority to Enforce Immigration Law, Evaluating a Unified Approach for Stopping Terrorists" and for me to author a Law Review article in April of 2005, along with my chief counsel on Judiciary, Cindy Hayden, that was published in the Stanford Law and Policy Review, entitled "The Growing Role for State and Local Law Enforcement in the Realm of Immigration Law."

This is the reality. This is the problem we are dealing with. Police chiefs and sheriffs in Alabama have begun to tell me, as I have traveled the State and met with them frequently, and as I continue to do so, that they have been shut out of immigration enforcement and that they felt powerless to do anything about Alabama's growing illegal immigrant population. I heard the same story wherever I went:

When we come across illegal aliens in our normal course of duty, we have given up calling the INS, because they tell us we have to have 15 or more illegals in custody or they will not even bother to come and pick them up.

Even worse, Alabama police were routinely told that aliens could not be detained until INS could manage to send someone. They were told they just had to let them go. This is basically the policy all over America today, I kid you not. If a local officer in virtually

any State in America stops someone for speeding or DUI and finds out they are here illegally, they basically take no steps to even contact INS because they only have 2,000 agents in the entire United States and they are not going to come out there and get them. In fact, for other legal reasons, they may have some doubt—although, frankly, not much—but there is some doubt about what their authority might be.

Now, we have done some research into this and believe the legal authority of State and local officers to voluntarily act on violations of immigration law is pretty clear. If there is any doubt that State and local law enforcement officers have any authority—and if there is any, and there certainly is some today—Congress needs to remove that doubt, which is what this amendment will do.

Basically, there is a split in the circuits. I will take just a moment to explain. The Tenth Circuit on more than one occasion concluded squarely that a "state trooper has general investigatory authority to inquire into possible immigration violations." As the Tenth Circuit went on to say, there is a "pre-existing general authority of state or local police officers to investigate and make arrests for violations of federal law, including immigration laws."

The Tenth Circuit went on to say, in 2001:

[S]tate and local police officers [have] implicit authority within their respective jurisdictions "to investigate and make arrests for violations of federal law, including immigration laws."

Now, these Tenth Circuit cases made no distinction between criminal violations and visa overstays, which are not criminal in nature but civil. But the Ninth Circuit did. They concluded the civil violations of a visa overstay did not amount to an offense of law that the local law enforcement officer could arrest and detain for. It was in dictum, not part of the central holding of that case. But that one piece of dicta has created an impression throughout the country that has impacted lawyers and police departments and sheriffs' departments all over America.

They are telling their officers: Well, it might be that the person you stop and is here illegally is a visa overstay and not someone who came across the border illegally, and if you arrest them and detain them, they might sue us, they might sue the city, they might sue the police department. So they have established policies based on this ambiguity that have effectively reduced the participation of local law enforcement officers to a dramatic degree in the enforcement of immigration laws. That is not appropriate. We can fix that. This amendment would fix that.

The second problem the amendment deals with is the inadequate way we share information on immigration matters with State and local police. We have databases full of information on

criminal aliens and aliens with final deportation orders, but that information is not directly available to the State and local police through their base system, the NCIC. Instead, officers are required to make a special second inquiry to the Law Enforcement Support Center, which is headquartered in Vermont, to see if the person they pulled over is an illegal alien wanted by DHS.

Now, I have to tell you, they are not just carrying around in their pocket those phone numbers anyway. They do not know how to do it. They are not comfortable with it. It is not what they do every day. They are not doing it. Besides, if they do and find out the person is illegal, there is nothing much they can do but let them go anyway. So the ability of the bread-and-butter NCIC database to convey to local police who stop someone out on the highway information that this may be a wanted person, maybe even a terrorist, has been severely impacted or really is not effective in many different areas.

I have complained about this for some time, and some progress has been made but not enough. To date, the Immigration Violators File of the NCIC contains about 200,000 entries, and only about 107,000 of the approximately 600,000 alien absconders are in the NCIC. I want you to hear that. Only about 100,000 of the 600,000 alien absconders have been entered into the NCIC.

So what does that mean? That means if a local police officer somewhere stops a person who has been previously arrested for an immigration violation and that person has been released on bail, as often is the case, and ordered to return to court or to be deported—and they frequently do not do so; they abscond; and there are 600,000 of those absconders out there, but only 107,000 of those records are in NCIC, so a local police officer is not likely to find a hit for the person before him—there will be a 1-in-5 chance of them getting that hit.

That really needs to be fixed. For the life of me, I cannot see why more progress has not been made. We have been talking about this for 4 or 5 years in the Senate Judiciary Committee with the Department of Justice officials and ICE officials and FBI people who run the NCIC.

At the very least, NCIC should contain four types of immigration information.

The first group: aliens with final orders of removal. If someone has been ordered removed, they should not be in this country. They sometimes leave the country and come back into the country and you get a hit on that person. In other words, they have been ordered removed. Why are they back in the country?

The second group that should be in there: aliens under voluntary departure agreements. Some agree to leave voluntarily and sign an agreement to that effect. They ought to be in there be-

cause they should not have stayed in the country or, if they left, they should not have returned.

The third group: aliens who are known to have overstayed their authorized period of stay should be entered.

The fourth group: aliens whose visas have been revoked, for heaven's sakes, ought to be in there.

If somebody is here improperly—maybe they have been associated with some criminal enterprise; the ICE people have revoked their visa for some reason; it would have to be significant, usually, for that to occur—they ought to go in there because if they are stopped somewhere, they should be detained and turned over to ICE; otherwise, the system is not working.

Let me tell my colleagues—I know how this system works—if someone had their visa revoked and had been ordered to be removed, trust me, the ICE agents do not go out and walk the streets of Philadelphia or Atlanta or Birmingham and look for them so they can deport them. They do not do it. They are not even close to having the ability to do that. Only the people for whom they have evidence who are extremely dangerous is that done. That is very few. The way most people are caught is just like everybody else in America who is caught who has absconded or run off on bail. They get caught by getting picked up by police on a traffic stop somewhere. The police officer runs their name and ID in NCIC and a hit comes back; there is a warrant for his arrest in Montgomery, AL, for armed robbery, and he locks him up.

If you are an American citizen and you get a reckless driving ticket and you are ordered to appear in court at a given time and place and you do not appear in court, they issue a warrant for your arrest. Normally, the police officers do not go out and chase you down all over and find you to arrest you. Normally, they put it in the NCIC immediately on the assumption you will soon be stopped somewhere else along the way and they will get a hit on you and somebody will put you in jail because you have a warrant for flight out there or for jumping bail. But we do not do that for noncitizens. A citizen, that will happen to; a U.S. Senator, that will happen to but not somebody who is coming to the country illegally. We do not do the same thing when they jump bail on their charges.

So there are a lot of stories we can tell. I will just summarize a number of them. It really caught the attention of the 9/11 Commission. For example, Mohamed Atta, who is believed to have piloted American Airlines Flight 11, which flew into the World Trade Center's North Tower, and played a leading role in more than 3,000 deaths that occurred that day, in July, just 2 months before the attacks, was stopped by police in Tamarac, FL, and was ticketed for having an invalid license. He ig-

nored the ticket and a bench warrant was issued for his arrest. When he was stopped for speeding a few weeks later in a nearby town, the officer did not check, did not discover this warrant had been issued and let him go with only a warning.

Now, OK, Atta had not yet become illegal. I believe at that time he still was on a legal status. However, it was about to expire. I doubt he would have returned to the immigration office to get it extended. He would soon have been here illegally as a visa overstay. He could well have been apprehended and identified before 9/11 had he done so.

That is the example I am trying to make. It could very well have been decisive.

Also Hani Hanjour was, just 1 month before 9/11, stopped by police in Arlington, VA, for driving 50 miles an hour in a 35-mile-per-hour zone. He was in a Chevy van with New Jersey plates. He produced a Florida driver's license. But he was the pilot of the American Airlines Flight 77 which crashed into the Pentagon.

A third hijacker was stopped by State police just 2 days before September 11, also for speeding. Maryland State police stopped Ziad Jarrah on Interstate 95 for driving 90 miles an hour in a 60-mile-per-hour zone.

Well, we are not talking about academic matters; we are talking about the fact that the alien database needs to be accessible to local police. It might as well, for all practical purposes, be locked up in some vault somewhere in secrecy, the way it is being done today. It is not available to the people out there who need it.

The Hart-Rudman Commission raised that point, as did the 9/11 Commission. I have been told at hearings by the appropriate officials that the NCIC system can handle the additional data. It will not overburden the system. It will make this information readily and immediately available to a police officer. He or she may have stumbled onto a person such as Mohamed Atta on his way to commit a horrible, unspeakable act of terrorism against the people of the United States. That opportunity to make that arrest and to identify that criminal is most important.

So that is the purpose of the amendment. I believe as people think about it we will see the need for it. I have tried to get this done in any number of different ways, but we have not quite gotten there yet. I think there is a majority in the Senate, probably on both sides of the aisle, who would support this when it is clearly raised. But as so often tends to happen, matters that actually work to a significant degree and will actually substantially increase the ability of our law enforcement system to be effective are the things that do not become law. It is almost like if it works, it will not pass. If you come up with something that sounds good but will not work, that will get passed.

This needs to be done. In many ways, it will be a test of the Members of this body.

Are we serious about enforcement of immigration laws? I think we are becoming that way. I believe there is a growing understanding that lawfulness needs to be returned to immigration. Without it, we are going to continue to have an erosion of public confidence in our system. We can do all of that. I ask that my colleagues consider this amendment. I hope we will be able to move it forward as part of this security legislation.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 347 TO AMENDMENT NO. 275

Mr. SESSIONS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] offers an amendment numbered 347 to amendment No. 275.

Mr. SESSIONS. Mr. President, I ask that this amendment be called up and made pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress regarding the funding of Senate approved construction of fencing and vehicle barriers along the southwest border of the United States)

At the appropriate place, insert the following:

SEC. ____ SENSE OF CONGRESS ON THE FUNDING OF FENCING AND VEHICLES BARRIERS ALONG THE SOUTHWEST BORDER OF THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) On May 17, 2006, by a vote of 83 to 16, the Senate approved amendment 3979 sponsored by Senator Sessions to Senate Bill 2611 (109th Congress), the Comprehensive Immigration Reform Act of 2006, which required the Secretary of Homeland Security to construct at least 370 miles of fencing and 500 miles of vehicle barriers along the southwest border of the United States.

(2) On August 2, 2006, by a vote of 94 to 3, the Senate approved amendment 4775 sponsored by Senator Sessions to House Bill 5631 (109th Congress), the Department of Defense Appropriations Act, 2007, which included a provision to appropriate \$1,829,000,000 for the construction of 370 miles of fencing and 461 miles of vehicle barriers along the southwest border of the United States.

(3) On September 20, 2006, by a vote of 80 to 19, the Senate approved House Bill 6061 (109th Congress), the Secure Fence Act of 2006, which mandates the construction of fencing and border improvements along the southwest border.

(4) On October 26, 2006, the President signed the Secure Fence Act of 2006 (Public Law 109-367; 120 Stat. 2638), which mandates that “[n]ot later than 18 months after the date of the enactment of this Act, the Secretary of Homeland Security shall take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States,” including “physical infrastructure enhancements to prevent unlawful entry by aliens into the United States” into law.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should—

(1) appropriate funds in the Department of Homeland Security Appropriations Act for fiscal year 2008 to fund, at a minimum, the strong commitment to border security represented in the President’s budget request for fiscal year 2008, which is consistent with the congressional intent expressed in amendment 3979 sponsored by Senator Sessions to Senate Bill 2611 (109th Congress), amendment 4775 sponsored by Senator Sessions to House Bill 5631 (109th Congress), and the Secure Fence Act of 2006; and

(2) appropriate funds in Department of Homeland Security Appropriations Acts for fiscal years after fiscal year 2008 in a manner consistent with the congressional intent expressed in such amendment 3879, such amendment 4775, and the Secure Fence Act of 2006.

Mr. SESSIONS. Mr. President, I thank the Chair. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that at 11:30 tomorrow morning, the Senate proceed to vote in relation to the following amendments in the order listed, that there be 2 minutes of debate between each vote, with the time divided and controlled in the usual form: amendment No. 316, McCaskill; amendment No. 315, Lieberman, as amended, if amended; Collins amendment No. 342; and amendment No. 314, the DeMint amendment.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I would say to my good friend, the majority leader, I will have to object. I have not had a chance to vet several of these amendments on this side yet, and I understand we are still going to have a vote on the DeMint amendment, a motion to table in the morning, even if this unanimous consent is not agreed to. So, therefore, I will be constrained for the moment to object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. I would indicate to the majority leader I will continue to work on it. I believe I am also correct the plan is to go ahead and have a vote on the tabling motion of the DeMint amendment.

Mr. REID. Yes. If I was unable to do that, that is what I will do. Thank you

very much, Mr. President. I appreciate the statements of my friend.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO HAL ROTHMAN

Mr. REID. Mr. President, it is with great sadness that I rise to share the passing of a real Nevadan, Dr. Hal Rothman. After a struggle with Lou Gehrig’s disease, Hal passed away on February 25, 2007. He was a loving husband to Lauralee, a father to Talia and Brent, and a friend to many who were privileged to know him, including me.

Hal’s professional life and community involvement were remarkable. Hal was a history professor at UNLV, a Las Vegas Sun columnist, and a respected author on Western and environmental history. Whenever anyone needed a quick quote or quip about Las Vegas, they often called Hal. From syndicated news shows to historians, Hal was often seen as the go-to-man for anything related to the city.

Hal’s love of Las Vegas was clearly apparent last October when he was honored as the Chin’s Humanitarian of the Year by the southern Nevada chapter of the Muscular Dystrophy Association. In his prepared remarks Hal wrote:

I have sought to explain our wacky city and State to an often skeptical and sometimes incredulous national and international audience. Las Vegas not only became our home but also a city I love with all my heart.

Hal was an outstanding ambassador for Las Vegas and to a larger extent Nevada. He was our front man. He was our image. He was our voice to the world. Nevada has lost one of its favorite sons, and Hal will be forever remembered as a tireless advocate for Las Vegas.

DIABETES SCREENING AND MEDICAID SAVINGS ACT

Mr. DOMENICI. Mr. President, on Friday, my colleague Mr. SCHUMER and I introduced the Diabetes Screening and Medicaid Savings Act of 2007. This bill will provide a diabetes screening benefit for adults within the Medicaid program. Only Medicaid eligible individuals who are enrolled in the program and who meet certain qualifications will be covered. If you test positive for diabetes, then there is mandated coverage of treatment, supplies, and education.

According to the American Diabetes Association, diabetes affects nearly 21 million Americans, about 7 percent of the total population. The number of U.S. adults with diagnosed diabetes has

increased by more than 60 percent since 1991 and is projected to more than double by 2050. It ranks as the sixth leading cause of death in America. People who have diabetes are much more likely to suffer from blindness, kidney failure, heart disease, stroke, and nerve damage. These complications result in significant costs to the health care system as a whole as well as to the individual suffering from this disease.

Diabetes health care specialists say that many patients who are diagnosed with diabetes initially visit their doctor not for symptoms related to the diabetes but because they are already suffering from the secondary complications. If diabetes complications are the first indication that you have diabetes, you are starting your fight at an incredible disadvantage.

Although the increasing burden of diabetes and its complications is frightening, much of this burden could be prevented with early detection. Methods for controlling diabetes and minimizing its impact on health and health care costs are well documented. Yet access to these services, including screening and early interventions, varies by State.

The bill we are introducing today will provide a uniform benefit within the Medicaid Program. This bill recognizes that diabetes has been found to be most prevalent in low-income and certain ethnic populations. This bill makes sure that the needs of these populations, such as Native Americans and Hispanics are addressed.

Complications of diabetes can be prevented and the costs of this disease to our society can be contained. Early detection and treatment is the key. I know that the chairman and ranking member of the Finance Committee have been working very hard to reform the Medicaid Program so that it will better serve those who need it most. I appreciate their efforts and hope they will consider making the changes I am recommending.

ADDITIONAL STATEMENTS

CONGRATULATING HAWAII'S NATIONAL CHEERLEADING CHAMPIONS

• **Mr. AKAKA.** Mr. President, I wish to congratulate the Kamehameha Varsity Cheer Team which won the National High School Cheerleading Championship at Walt Disney World in Orlando, FL, on February 9 to 11, 2007. The Kamehameha squad received top marks from the competition's judges, garnering a total of 713 points, thereby capturing the Small Varsity Division title.

The Warriors advanced to the national championship by winning 1 of 58 regional competitions held across the country and was 1 of 6 teams to advance directly to the finals. At the national competition, Kamehameha faced off against 55 rival squads. In the final

round of competition, the young women of Kamehameha demonstrated amazing skill and athleticism acquired over many months of rigorous training.

The Kamehameha Varsity Cheer Team includes captains Corinne Chun, Jasmine Merseberg, Kendra Uson, and Keeny Won; and members Erika Castro, Kelli Ann Uehara, Cristina Lei Luke, Kanani Kekuawela, Savannah Wolfe, Kacie Kamaka'ala, Ashley Murakami, Robbi Bulatao, and Chelsea Bega. The team is led by cohead coaches Melissa Beimes and Dolly Wong, along with varsity coaches Giselle Ann-Kim and Shannon Cosma, all Kamehameha School alumnae.

I congratulate the Kamehameha Varsity Cheer Team on their accomplishment, and I wish all of them the best in their future endeavors. I extend the same congratulations to all members and coaches who participated in this year's National High School Cheerleading Championship on a job well done.●

RECOGNIZING DR. LAWRENCE THOMAS GERATY

• **Mrs. BOXER.** Mr. President, I ask my colleagues to join me in recognizing the lifetime contributions of Dr. Lawrence Thomas Geraty as he retires as president of La Sierra University in southern California. Dr. Geraty's strengths as a churchman, educator, academic, and administrator provide an example for us all.

Dr. Geraty has been a college and university president for the past 22 years, first taking on this role at Union College in South Lancaster, MA, in 1985. For the past 14 years he has served as president of La Sierra University in Riverside, CA.

Growing up as a member of a Seventh-Day Adventist missionary family, Lawrence Geraty gained a broad perspective of the world, living abroad or attending educational institutions in China including Hong Kong, Burma, Lebanon, England, Germany, France, and Israel. He earned his bachelor's degree from Pacific Union College, then graduated from the Theological Seminary at Andrews University. Following his graduation, he served as a pastor in Santa Ana, CA, for a brief period of time. Thereafter, he joined Andrews Theological Seminary as a faculty member. After serving at Andrews, he went to Harvard University to study Hebrew Bible and Biblical archaeology, earning his Ph.D. with distinction and completing examinations in 10 languages.

After receiving his Ph.D. Dr. Geraty returned to Andrews Theological Seminary to work as Professor of Archaeology and History of Antiquity. For the next 13 years, Dr. Geraty served as an educator and scholar in Jamaica, Jordan, Costa Rica, Trinidad, Europe, and Australia. During this period, he was a founding director of the Institute of Archaeology at Andrews University, led a series of major archaeological expeditions in the Middle East, and

worked as the curator of the Horn Archaeological Museum.

Dr. Geraty has had led a prominent career in academia. He was the recipient of a Fulbright fellowship. He served as an adviser on archaeology to former Crown Prince Hassan of Jordan. He served as vice president of the American Center of Oriental Research in Amman, Jordan from 1982 to 2002. He represented the U.S. Office of Education in a delegation of administrators to study minority education in China. He has published roughly 50 scholarly journal articles, edited 8 books and provided contributions to over 30 books.

During his tenure as president of La Sierra University, the university has seen tremendous growth and has played an integral role in the growth of inland southern California and our Nation. Between 1993 and 2006 university enrollment nearly doubled. In 2002, a biotechnology laboratory opened. In 2004, U.S. News and World Report distinguished La Sierra University for its successes in student diversity. And this year, Dr. Geraty had the great distinction of being named "Citizen of the Year" by the Greater Riverside Chamber of Commerce.

In his time as president of La Sierra University, Dr. Lawrence Geraty has provided our Nation with a role model of leadership and citizenship. His commitment continues to leave a legacy of service to academia, scholarship, education, his community and our Nation, and I applaud his lifetime of service as he retires.●

TRIBUTE TO WALTER SONDHEIM, JR.

• **Ms. MIKULSKI.** Mr. President, I wish to pay tribute to one of Baltimore's great civic leaders, Walter Sondheim, Jr. If ever there was a statesman from Baltimore, it was Walter Sondheim. From the time I entered public life in 1971, his name was synonymous with integrity, public purpose and civic leadership, and he was the most self-effacing public figure I ever met.

Perhaps Walter Sondheim's most unique talent was his ability to manage transitions. Whether in business, in the community or in his own personal life, Walter knew when to hold them and when to fold them. In the late 1950s and early 1960s, Walter recognized the evolution in Baltimore's economic base from heavy industry and manufacturing to tourism, service and technology. He championed a new vision of public land use and architectural excellence when he shepherded the Renaissance of Baltimore and the creation of the present day Inner Harbor. He challenged the business community to look forward and prepare for the service economy and the explosion of technology related businesses that was being driven by our major universities and federal scientific facilities.

In the larger community, Walter Sondheim led us from the darkness of

segregation and into the vision illuminated by the U.S. Supreme Court's decision in *Brown v. Board of Education* in 1954. Where other communities hesitated or procrastinated, as president of the Board of School Commissioners for Baltimore City, he forged ahead to implement this milestone ruling long before other cities around the Nation. The result was a speedy, thoughtful, considered integration of the public schools.

In his own personal life, Walter Sondheim transitioned from his early life as a businessman with one of Baltimore's premiere department stores to the leader of a number of influential civic and business organizations. With grace and purpose, he carefully released himself from old roles and embraced new opportunities. He never looked backward, only forward. He did not fear new ideas. Whatever challenge he chose to address, he was always the right man in the right place at the right time.

Finally, Walter Sondheim was never threatened by other talented people. Indeed, he encouraged young leadership and new faces in the crowd. For this young protestor, who found herself in an elected position inside City Hall, he had nothing but words of encouragement and offers of assistance. He knew that civic leadership was comprised not only of traditional groups, but also of the sweat equity crowd that desired change. He always welcomed new energy and new points of view. Walter remained unburdened by convention and the status quo his entire life long.

I ask that a Baltimore Sun article on the life and contributions of Walter Sondheim be printed in the RECORD.

The material follows:

[From the Baltimore Sun, Feb. 15, 2007]

WALTER SONDEHEIM JR.: 1908-2007—HE WAS SAGE ADVISER, KEY FIGURE IN CITY'S GROWTH

Through 6 decades, they called upon Walter Sondheim Jr. When Baltimore mayors, Maryland governors and other civic leaders needed sage advice, inevitably they sought it from a man widely admired for integrity and uncommon warmth and graciousness.

Mr. Sondheim died at 10 a.m. Thursday of pneumonia at Mercy Medical Center. He was 98, and until last week he worked every day at his office at the Greater Baltimore Committee.

Mr. Sondheim had a gift for nudging people toward grand accomplishments, often to the surpassing benefit of Baltimore and the state beyond. He earned his livelihood as a department store executive, but his legacy can be found in sweeping civic movements.

As president of the Baltimore school board in 1954, Mr. Sondheim insisted—though other cities stalled—on the speedy desegregation of Baltimore schools after the U.S. Supreme Court's ruling in *Brown v. Board of Education*. As a leader of the city's downtown development agency, he coaxed his colleagues into carefully controlled planning of the Inner Harbor. He headed the state panel that promoted regular testing of students. He disdained anything but the highest ethical standards in business and government.

"It's hard to imagine God having created a better person than Walter Sondheim," said Robert C. Embry Jr., the city's former housing commissioner and now president of the Abell Foundation.

Accolades poured in from the many leaders Mr. Sondheim counseled throughout the decades.

Gov. Martin O'Malley, who ordered state flags to be flown at half-staff, said Mr. Sondheim "wasn't shy about reaching out" to him with advice when Mr. O'Malley was mayor.

"If there was one enduring quality about Walter Sondheim, it was he had an unrelenting optimism about human nature," Mr. O'Malley said Thursday night.

Sen. Benjamin L. Cardin said, "Whether it was integration of the city schools or the redevelopment of Baltimore, he was certainly well ahead of his time."

William Donald Schaefer, the former governor and mayor who worked closely with Mr. Sondheim on many civic improvement efforts, called his death "a tremendous loss," describing Mr. Sondheim as one of the smartest and kindest men he knew.

"Integrity. I've never known a man with so much integrity in my life," Mr. Schaefer said. "He would not sanction anything that was not right."

During nearly a century of life, Mr. Sondheim crossed paths with many celebrated personages of his day. His favorite portrait of his late wife, Janet, was taken by the famed photographer Dorothea Lange. His children were delivered by Dr. Alan Guttmacher, a Johns Hopkins obstetrician-gynecologist who was one of the pioneers in the field of reproductive health. His brother-in-law was Richard Neustadt, a Harvard political scientist and the founder of the university's John F. Kennedy School of Government.

LINKED TO HISTORY

His life was also intimately entwined with the history of Baltimore. He knew H.L. Mencken, who was a friend of Mr. Sondheim's father. His parents were married a week before the Great Baltimore Fire of 1904, which destroyed much of the downtown business district.

A droll and charming raconteur, Mr. Sondheim would recount for friends that when his parents returned from their honeymoon to the still-smoking Baltimore, his father told his mother that the fire of their love had engulfed the city.

But beyond the stories was a remarkable record of achievement in reshaping the city. Mr. Schaefer said the Science Center, Harborplace and Charles Center—among other projects—are "all monuments to Walter."

Through it all, Mr. Sondheim was self-effacing, often protesting his aversion to the spotlight. "I'm not sure how I've gotten involved in the variety of things referred to here today," he said in 1975 when the Advertising Club of Baltimore gave him its Man of the Year Award. "One factor, of course, is just being around for so many years. My good, long-suffering, strangely faithful wife is clear about the fact that I'm just weak-kneed and haven't the courage to say 'no.'"

"Personally, I lean to the theory, expressed by a friend of mine, that there are some jobs only a damned fool will do, and if you're one, you have an obligation to accept such an assignment when it's offered to you."

People who knew Mr. Sondheim dismissed such talk.

He was a man of great affability who, until the end, delighted in juicy gossip and laughter.

Everybody wanted him at their parties," Mr. Cardin said. "You don't get many people in their late 90s that everybody wants to be around. He was one of a kind."

Freeman A. Hrabowski III, president of the University of Maryland, Baltimore County

and a longtime close friend, said he was thinking back Thursday to something Mr. Sondheim told him 20 years ago.

"He said, 'Freeman, live life seriously, but don't take it seriously. You do your best, and then you laugh,' and that was Walter," Mr. Hrabowski said.

Mr. Sondheim performed a vital role as a link between the region's businessmen and William Donald Schaefer when he was a city councilman, mayor, governor and later state comptroller.

The two men met when a young Mr. Schaefer chaired a City Council committee on urban renewal.

"He would walk into the City Council, and it was like the Lord walked in," Mr. Schaefer said. "You would never think of challenging Walter."

State Treasurer Nancy K. Kopp said that while Mr. Sondheim deeply admired Mr. Schaefer, he never hesitated to speak his mind to the mercurial politician.

"He was never reluctant to tell Schaefer he was making mistakes," Ms. Kopp said.

C. Fraser Smith, a former Sun reporter who wrote a biography of Mr. Schaefer, described an incident in which the two men were flying to Germany to receive an honor on behalf of the city.

Mr. Sondheim, the story goes, took advantage of the opportunity to admonish the mayor over his gruff treatment of people. Why are you so mean to people? Mr. Sondheim asked. After stewing a long time, Mr. Schaefer demanded to know whom he had treated badly.

"Why don't you look in the phone book?" Mr. Sondheim replied.

Once pressed to explain his skills in dealing with people, Mr. Sondheim allowed that he possessed an ability to listen to others, the patience to find a workable compromise when confronted with controversial points of view, and the gift of being able to put himself in someone else's position.

He then added: "Liking people is not as important as understanding people. This is a skill that is not born; it's trained. You can't be judgmental about somebody with whom you don't agree."

Mr. Sondheim was born in his father's house on Bolton Street on July 25, 1908, an era of gaslights and streetcars. He recalled for a 2003 Sun article that the family passed summers in the cooler climate of a rented home in Pikesville. One summer, his father said he couldn't join the family; when they returned to Bolton Hill, they found that the elder Mr. Sondheim had spent the time having electric power installed.

Barred from some of the city's elite schools because he was Jewish, Mr. Sondheim attended Park School, becoming a member of one of its first classes. He went on to Haverford College in Pennsylvania, from which he graduated in 1929, and went to work for the Hochschild, Kohn department store, where his father worked. Mr. Sondheim would later chalk up his job to "nepotism."

In 1934, he married Janet Blum of Berkeley, Calif., who had been a dancer with the Denishawn Company. He had proposed to her in a speakeasy. They had two children, John W. Sondheim and Ellen Dankert, both of Baltimore.

Mrs. Sondheim, who later became a teacher, died in 1992. Mr. Sondheim's death came on what would have been their 73rd wedding anniversary.

Even at a young age, Mr. Sondheim was interested in race relations at a time when few white Baltimoreans questioned segregation as a bedrock principle. He served on the board of the Baltimore Urban League during the 1930s.

"It was really a segregated city," Mr. Sondheim recalled in a 1995 interview. "I

worked at Hochschild, Kohn's. We waited on African-Americans but on an all-sales-final basis. People couldn't return things, they couldn't eat in the restaurants, and they were only employed in menial capacities. The fact that blacks were not treated as full citizens as customers was a major issue with both the Urban League and the NAACP."

Mr. Sondheim said he worked within the company to change the practice. "I was terribly unhappy and embarrassed," he said during a 2003 trial in which he testified about the history of discrimination in Baltimore.

Nevertheless, Mr. Sondheim rose to the position of store manager at Hochschild's and held that post for five years until, in 1942, he was appointed director of the United States Employment Service for Maryland, an agency responsible for transferring people from nonessential jobs to war work.

The following year, he joined the Navy and was commissioned a lieutenant. He was stationed in Cleveland and, when asked about his war service, loved to say he had protected the Great Lakes from Axis invasion. He served until 1946. With the war over, he returned to Hochschild, Kohn.

Mr. Sondheim's name and reputation came to the attention of Mayor Thomas D'Alesandro Jr. in 1948 when he was looking for someone to fill a vacancy in what was then considered "the Jewish seat" on the school board. Mr. Sondheim accepted the job and served on the board for the next nine years.

Though Mr. Sondheim seldom dwelled on the discrimination he personally encountered, he took the appointment at a time when anti-Semitism was pervasive in the United States in general and Baltimore in particular.

In the 2003 discrimination trial at which he testified, Mr. Sondheim recounted that his family was once blocked from buying a house in Roland Park when the seller found out the Sondheims were Jewish. He also testified that the elite downtown clubs that served the business establishment also barred Jews—a barrier that led to the formation of the Center Club. But when some organizers of that club proposed that it exclude blacks, Mr. Sondheim and several others withdrew their applications. The rule was dropped.

FATEFUL DECISION

It was while Mr. Sondheim was president of the school board that the city decided in May 1954 to desegregate its schools in response to the Supreme Court's decision.

Baltimore became the first school district south of the Mason-Dixon line to respond to the Supreme Court's unanimous, landmark ruling outlawing "separate but equal" education for blacks and whites.

Integration here was accomplished with relatively little tension compared with events in other cities, and the process was hailed as a signal achievement at the time.

But it did not come entirely without resistance. On one occasion, an opponent of desegregation burned a cross on Mr. Sondheim's Windsor Hills lawn. But Mr. Sondheim would play down the incident, telling friends that the cross was puny and the fire hardly got started.

"He wouldn't back off," Mr. Schaefer said. "He wouldn't step aside. He wouldn't do anything except what was right."

In 1958, Morgan State awarded Mr. Sondheim an honorary degree. He accepted his honor alongside the Rev. Martin Luther King Jr., who received the same honor from the school that day, according to state archivist Edward C. Papenfuss Jr.

Nevertheless, Mr. Sondheim declined to count school desegregation as one of his achievements—noting that 50 years later most African-American students attend

schools that are almost entirely black. He would tell listeners that while he and others desegregated the schools, they didn't succeed in integrating them.

Mr. Sondheim's next major task in the life of the city came in 1957 when he was named head of the newly created Baltimore Urban Renewal and Housing Authority, which brought together a number of agencies charged with handling the city's public housing program.

He said he had no advanced knowledge of public housing—other than having lived with Mrs. Sondheim and their children in a Cleveland public housing project when he was in the Navy—but he started to learn.

The learning process coincided with the city's initial commitment to downtown renewal, spurred by the GBC, an organization of prominent citizens determined to prevent the area from deteriorating. In his role as housing authority chief and as a member of the GBC, he helped launch the first renewal project, Charles Center.

The year was 1963. His civic responsibilities, added to his work at the department store, overwhelmed him. He resigned as head of the housing authority to devote more time to retailing but remained involved in less demanding civic enterprises.

In 1970, Mr. Sondheim decided to take early retirement from the department store, where he had risen to the post of senior vice president and treasurer, and started a second career with the quasi-public Charles Center-Inner Harbor Management organization that was transforming the city's skyline and attracting national attention from urban planners.

The new post became a full-time job, but he also was called upon to serve as director of the Baltimore Urban Coalition, chairman of the board of Goucher College and a member, trustee or director of such organizations as Mercy and Sinai hospitals, the Baltimore Gas and Electric Co. and the Chesapeake & Potomac Telephone Co.

However, Mr. Sondheim decided in May 1989 to shed some of these responsibilities.

After 15 years as chairman of Charles Center-Inner Harbor Management, where he worked for \$1 a year, he announced his resignation. At the same time, he stepped down as president of Charles Street Management Corp. and Market Center Development Corp., two agencies that helped direct development of other parts of downtown.

"I think that people can stay too long on some jobs," he said when announcing his retirement.

Soon he settled into an office at the GBC, where he took the title of senior adviser. His work ethic never flagged. When snow prompted other staff members to leave the office early, Mr. Sondheim, who lived nearby in a condominium at Harbor View, would take over the job of answering phones.

Asked once why he never joined in the white flight out of the city, Mr. Sondheim replied: "What I learned early on is cutting grass is not as good as walking pavement."

Two years after taking senior status at the GBC, Mr. Sondheim was appointed by Mr. Schaefer to chair a gubernatorial panel on school performance—a group that would become known as the Sondheim Commission. The group produced a report that became the blueprint for what would become known as the Maryland School Performance Assessment Program, or MSPAP.

The controversial test, with its heavy emphasis on writing skills, would be the state's chief educational measurement tool for a decade.

A FEELING OF AWE

While on senior status, Mr. Sondheim would continue to be sought out for advice by aspiring political leaders.

Former Gov. Parris N. Glendening said Mr. Sondheim was one of the first people he turned to for advice before launching his campaign for the State House. Then the Prince George's County executive, Mr. Glendening said he and Mr. Sondheim spoke for well over an hour about education and the condition of Baltimore. After his election as governor in 1994, Mr. Glendening said he frequently solicited Mr. Sondheim's views on "big picture" issues such as the city-state partnership in running Baltimore schools.

"I would talk with him and always come away with a feeling of awe," Mr. Glendening said.

In 1997, when he was 89, Mr. Sondheim was the central figure in a Wall Street Journal article about people who delayed retirement far beyond the age of Social Security eligibility.

The Page 1 article recounted how Mr. Sondheim sent a letter to his closest friends asking them to let him know—by anonymous note if they preferred—if he ever reached the point where it was time to stop coming to work.

Lainy Lebow-Sachs, former chief of staff to Mr. Schaefer and a longtime friend of Mr. Sondheim's, said none of his friends wrote such a reply. "Everybody ripped it up," she said.

Mr. O'Malley said Mr. Sondheim played a behind-the-scenes role in his 2004 standoff with Gov. Robert L. Ehrlich Jr. and state Superintendent Nancy S. Grasmick over the control of the city school system. The governor described Mr. Sondheim as performing "shuttle diplomacy" between City Hall and Mrs. Grasmick, a close friend of Mr. Sondheim who had aligned herself with Mr. Ehrlich in favor of increased state control.

"He tried very much to be a conciliator on that score and felt that it was very unhealthy for the progress of our kids that the school system wound up as a political football," Mr. O'Malley said. He added that Mr. Sondheim privately urged him to stick by his guns on the issue of local control.

Mr. Sondheim cut back on some activities in his final years. In 2001, he stepped down as president of the state school board, a post he had held since 1998. Two years later, he left the board after serving two terms as a member. Last year, he stepped down from the board of the Abell Foundation.

But he remained active in business and political activities well into his late 90s. In 2006, he recruited a group of prominent Baltimoreans who were interested in buying The Sun from Tribune Co. Until his death, he served on one board that ensures compliance with the state's open-meetings laws and another that runs the American Visionary Arts Museum.

As he advanced in years, Mr. Sondheim frequently joked about his age. Once, asked how he was doing, he replied: "OK, considering my antiquity."

Ms. Lebow-Sachs said Mr. Sondheim's longevity and vigor could not be attributed to a health regimen. "He ate anything he wanted, and he didn't exercise since 1921," she said.

Mr. Sondheim would continue to drive—but only during the day—until the week before his death, when he broke his ankle in an accident. It was after that injury that he would check into Mercy, where his final illness was diagnosed.

Ms. Lebow-Sachs and Mr. Schaefer recalled that every time Mr. Sondheim received an honor—and there were dozens—he would go on and on about how he didn't deserve it.

Mr. Schaefer said his friends' reaction was always: "For God's sake, Walter, cut that out!"

In 2005, when the University of Maryland, Baltimore County named its social sciences building after Mr. Sondheim and his late wife, he admonished school officials.

"You shouldn't name a building for people who are still alive," Mr. Sondheim—then 96—said at the dedication ceremony. "You never know what they'll do tomorrow."

In addition to his son and daughter, Mr. Sondheim is survived by two granddaughters and a great-granddaughter. He is also survived by a sister-in-law, Shirley Williams, a former member of Britain's Parliament and Mr. Neustadt's widow.●

HONORING GARY M. CLARK

● Mr. BURR. Mr. President, I wish to take this opportunity to honor the life of Caldwell County Sheriff Gary M. Clark, who died from cancer on February 2 at the age of 47. Sheriff Clark was an outstanding and dedicated public servant whose influence, knowledge, and achievements were widely known and highly regarded.

Sheriff Clark served the citizens of Caldwell County with honor and distinction for 27 years. He began his law enforcement career with the Lenoir Police Department, where he served for 22 years. He was first elected sheriff of Caldwell County in 2002 and reelected to a second term in November 2007.

Sheriff Clark loved serving the citizens of Caldwell County and dedicated his life to law enforcement. Additionally, he loved his family and was a dedicated husband and father. He was also a man of great faith.

Sheriff Clark is survived by his wife Kim Clark; two daughters, Megan Elaine Clark, 14, and Staci Michelle Clark, 11; his parents Stanley and Norma Clark; and a brother, Alan Clark.

I know my colleagues in the Senate join me in honoring the life of Sheriff Gary M. Clark and in offering condolences to his family, friends, and colleagues.●

COMMEMORATING THE SOUTH RIVER RURITAN CLUB

● Ms. MIKULSKI. Mr. President, I offer my congratulations to the South River Ruritan Club in Edgewater, MD, on their 50th anniversary.

The South River Ruritan Club, a community service organization, was chartered on March 13, 1957, and for 50 years has been providing much needed services to the citizens of Edgewater, Annapolis, and southern Maryland.

The Club, whose members are all volunteers, have contributed well in excess of half a million dollars in direct financial aid and countless hours of time, to numerous community service projects.

The club awards local students scholastic and vocational scholarships and provides assistance to local Scout troops, youth athletics, and other youth-related programs. They conduct an annual essay contest for fifth grade students and have sponsored students to the National Association of Student Council Conference and Exchange Student programs.

They contribute annually to the local fire and rescue departments, the

Maryland and Anne Arundel County police departments, and support environmental programs, including efforts to protect the Chesapeake Bay.

Our Active Duty military, retired and disabled military, and veterans organizations also benefit from the volunteer efforts of the club. They have sent direct aid to our troops in Iraq and provide additional financial assistance through their military's morale and welfare assistance programs.

Their work also includes assistance in such areas as financial aid to needy families, victims of violent crimes, families displaced by catastrophes such as fires, and hurricanes, and assistance through Habitat for Humanity. They contribute annually to St. Jude Children's Research Hospital and Johns Hopkins Hospital Children's Center and they loan wheelchairs, walkers, and other medical assistance equipment to members of the community.

I congratulate the South River Ruritan Club on their wonderful record of community service over the last 50 years and wish them enormous success as they continue their commitment to improving their communities and supporting the families who live in and around them. This club and their membership, both past and present, have every reason to be proud of what they have accomplished.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 761. A bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-15. A resolution adopted by the Senate of the Legislature of the State of West Virginia relative to supporting the U.S. troops participating in the War on Terror; to the Committee on Foreign Relations.

SENATE RESOLUTION No. 9

Whereas, the United States is at war against terrorists who would take our lives

and property in the name of their extremist beliefs; and

Whereas, American troops are currently in harm's way defending American freedom in locations across the globe, including Iraq and Afghanistan; and

Whereas, many of those servicemen and women are West Virginian citizens or friends or relatives of West Virginian citizens; and

Whereas, leaders in Washington, D.C., should do all that is in their power to fund and support American soldiers, sailors, airmen and Marines, with special emphasis placed on providing adequate body armor for all military personnel in harm's way; therefore, be it

Resolved by the Senate: That the Senate hereby expresses its full support for United States troops participating in the War on Terror; and, be it further

Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the President of the United States, the Secretary of the Department of Defense, the Chairman of the Joint Chiefs of Staff, the President of the United States Senate, the Speaker of the House of Representatives, the Secretary of the United States Senate, the Clerk of the United States House of Representatives and West Virginia's congressional delegation.

POM-16. A joint resolution adopted by the Legislature of the State of Maine relative to memorializing Congress to repeal the REAL ID Act of 2005; to the Committee on Homeland Security and Governmental Affairs.

JOINT RESOLUTION

Whereas, the federal REAL ID Act of 2005 mandates an unfunded national driver's license on the people of Maine and was passed as a rider on military spending bill; and

Whereas, implementation of the REAL ID Act of 2005 will cost Maine taxpayers approximately \$185 million; and

Whereas, the REAL ID Act of 2005 national database will invite theft of identity and invasion of privacy; and

Whereas, the REAL ID Act of 2005 will impose inconveniences and higher taxes on Mainers with no attendant benefit such as protections from terrorism; now, therefore, be it

Resolved, That the Maine State Legislature refuses to implement the REAL ID Act of 2005, and we thereby protest the treatment by Congress and the President as agents of the Federal Government; and be it further

Resolved, That We, your Memorialists, respectfully urge and request that the Congress of the United States repeal the REAL ID Act of 2005; and be it further

Resolved, That official copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States; the Honorable Michael Chertoff, Secretary of Homeland Security; the Honorable John E. Baldacci, Governor of the State of Maine; the Honorable Richard Cheney, President of the United States Senate; the Honorable Nancy Pelosi, Speaker of the United States House of Representatives; and each member of the Maine Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Commerce, Science, and Transportation, with amendments and an amendment to the title:

S. 385. A bill to improve the interoperability of emergency communications equipment (Rept. No. 110-30).

By Mr. INOUE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 509. A bill to provide improved aviation security, and for other purposes (Rept. No. 110-31).

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 763. An original bill to provide the resources to protect public transportation from terrorism (Rept. No. 110-32).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DODD:

S. 756. A bill to authorize appropriations for the Department of Defense to address the equipment reset and other equipment needs of the National Guard, and for other purposes; to the Committee on Armed Services.

By Mrs. CLINTON:

S. 757. A bill to create a national set of effective voluntary national expectations for mathematics and science education in kindergarten through grade 12, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENSIGN (for himself and Mr. REID):

S. 758. A bill to direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility; to the Committee on Energy and Natural Resources.

By Mr. WEBB:

S. 759. A bill to prohibit the use of funds for military operations in Iran; to the Committee on Foreign Relations.

By Mr. SALAZAR:

S. 760. A bill to provide certain counties with the ability to receive television broadcast signals of their choice; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. BINGAMAN, Mr. DOMENICI, Mr. INOUE, Mr. STEVENS, Mr. KENNEDY, Mr. ENZI, Mr. LIEBERMAN, Mr. ENSIGN, Ms. MIKULSKI, Mr. ALEXANDER, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. KERRY, Mr. SMITH, Mr. MENENDEZ, Mr. ROBERTS, Mr. SALAZAR, Mr. CORNYN, Mr. PRYOR, Mr. COLEMAN, Ms. CANTWELL, Mr. MARTINEZ, Mr. CARPER, Ms. MURKOWSKI, Mrs. CLINTON, Mr. CRAIG, Mr. KOHL, Mr. LUGAR, Mr. BROWN, Mr. VOINOVICH, Mr. ROCKEFELLER, Mr. WARNER, Ms. LANDRIEU, and Mr. OBAMA):

S. 761. A bill to invest in innovation and education to improve the competitiveness of the United States in the global economy; read the first time.

By Mr. GRASSLEY (for himself, Mr. MCCAIN, and Mr. DURBIN):

S. 762. A bill to include dehydroepiandrosterone as an anabolic steroid; to the Committee on the Judiciary.

By Mr. DODD:

S. 763. An original bill to provide the resources to protect public transportation from terrorism; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mrs. CLINTON (for herself, Ms. SNOWE, Mr. BINGAMAN, Mr. NELSON of

Florida, Mr. KERRY, Mr. DURBIN, and Ms. CANTWELL):

S. 764. A bill to amend title XIX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State children's health insurance program (SCHIP); to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. OBAMA, Ms. MURKOWSKI, and Ms. MIKULSKI):

S.J. Res. 5. A joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER (for Mr. BIDEN (for himself, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. MURRAY, and Ms. STABENOW)):

S. Res. 93. A resolution supporting the goals of "International Women's Day"; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LIEBERMAN, Mr. STEVENS, Mr. WARNER, and Ms. COLLINS):

S. Res. 94. A resolution honoring the employees of the Department of Homeland Security on the 4th anniversary of the Department; considered and agreed to.

ADDITIONAL COSPONSORS

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 261

At the request of Ms. CANTWELL, the names of the Senator from Florida (Mr. NELSON) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 294

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 320

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 320, a bill to provide for the protection of paleontological resources on Federal lands, and for other purposes.

S. 329

At the request of Mr. CRAPO, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 369

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 369, a bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001.

S. 402

At the request of Mrs. LINCOLN, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 402, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 430

At the request of Mr. LEAHY, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Montana (Mr. TESTER), the Senator from Connecticut (Mr. DODD) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 439

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 465

At the request of Mr. NELSON of Florida, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 465, a bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decision-making so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

S. 481

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 481, a bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities.

S. 486

At the request of Mr. KENNEDY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 486, a bill to establish requirements for lenders and institutions of higher education in order to protect students and other borrowers receiving educational loans.

S. 505

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 505, a bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

S. 513

At the request of Mr. LEAHY, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 513, a bill to amend title 10, United States Code, to revive previous authority on the use of the Armed Forces and the militia to address interference with State or Federal law, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 546

At the request of Mr. CHAMBLISS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 546, a bill to amend title XXI of the Social Security Act to make available additional amounts to address funding shortfalls in the State Children's Health Insurance Program for fiscal year 2007.

S. 579

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 597

At the request of Mrs. FEINSTEIN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Florida (Mr. MARTINEZ) were added as

cosponsors of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 626

At the request of Mr. KENNEDY, the names of the Senator from Utah (Mr. HATCH), the Senator from Maryland (Ms. MIKULSKI), the Senator from Georgia (Mr. ISAKSON) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 634

At the request of Mr. DODD, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 634, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 649

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 649, a bill to require the Nuclear Regulatory Commission to conduct an independent safety assessment of the Indian Point Nuclear Power Plant.

S. 651

At the request of Mr. HARKIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 651, a bill to help promote the national recommendation of physical activity to kids, families, and communities across the United States.

S. 661

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 682

At the request of Mr. KENNEDY, the names of the Senator from Florida (Mr. NELSON), the Senator from North Carolina (Mr. BURR) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 682, a bill to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

S. 694

At the request of Mrs. CLINTON, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 699

At the request of Mr. ALLARD, the name of the Senator from Minnesota

(Mr. COLEMAN) was added as a cosponsor of S. 699, a bill to prevent the fraudulent use of social security account numbers by allowing the sharing of social security data among agencies of the United States for identity theft prevention and immigration enforcement purposes, and for other purposes.

S. 726

At the request of Mr. LEVIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 726, a bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

S. 727

At the request of Mr. COCHRAN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 739

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 739, a bill to provide disadvantaged children with access to dental services.

S. 744

At the request of Mr. MCCAIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 744, a bill to provide greater public safety by making more spectrum available to public safety, to establish the Public Safety Interoperable Communications Working Group to provide standards for public safety spectrum needs, and for other purposes.

S. 746

At the request of Mr. ALLARD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 749

At the request of Mr. NELSON of Florida, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 749, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S.J. RES. 4

At the request of Mr. BROWNBAC, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S.J. Res. 4, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer

an apology to all Native Peoples on behalf of the United States.

S. CON. RES. 3

At the request of Mr. SALAZAR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

S. RES. 65

At the request of Mr. DODD, his name was added as a cosponsor of S. Res. 65, a resolution condemning the murder of Turkish-Armenian journalist and human rights advocate Hrant Dink and urging the people of Turkey to honor his legacy of tolerance.

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. Res. 65, *supra*.

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. Res. 65, *supra*.

At the request of Mr. COLEMAN, his name was added as a cosponsor of S. Res. 65, *supra*.

S. RES. 92

At the request of Mrs. CLINTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 92, a resolution calling for the immediate and unconditional release of soldiers of Israel held captive by Hamas and Hezbollah.

AMENDMENT NO. 272

At the request of Mr. ALLARD, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 272 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 300

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 300 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 326

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 326 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD:

S. 756. A bill to authorize appropriations for the Department of Defense to address the equipment reset and other equipment needs of the National Guard, and for other purposes; to the Committee on Armed Services.

Mr. DODD. Mr. President, no one has worked harder or sacrificed more in the war on terrorism than our soldiers, sailors, airmen, and Marines.

Regrettably, they have been tested in unprecedented ways—with too few troops in our overall forces, our soldiers are rotating in and out of Iraq for year-long stretches. By the beginning of next year, members of the 3rd Infantry Division will have spent more time in Iraq than at home in a span of five years.

On top of the physical and psychological strains caused by these deployments, our troops are contending with grave equipment shortfalls and sparse resources to restock their supplies.

Congress and the American public were already informed that two-thirds of the Army's forces in the United States are "not ready" for combat duty, largely due to these equipment shortfalls.

But the situation for our National Guard is far worse. In a report submitted to Congress last Thursday by the Commission on the National Guard and Reserves, we learned that 88 percent of the National Guard has been classified as "not ready" for duty. Such a statistic seems earth-shattering to me—it should drive all of us in Congress to action immediately.

As my colleagues know, the National Guard operates under dual authorities: overseas, they become fully integrated into the U.S. Armed Forces, serving under the President in a variety of combat missions; at home, the National Guard serves under our States' governors, performing homeland security functions during local or statewide emergencies, such as storms, fires, earthquakes or civil disturbances.

For years now, however, the administration's foreign policies have actually endangered the Guard's abilities to perform either of these functions. Under orders by the administration, National Guard troops have been forced to leave their State's equipment in Iraq and Afghanistan for other troops rotating into combat theaters. Many of their military vehicles and aircraft are being worn down and destroyed in battle. But any critical equipment that may have survived is simply being transferred to other units coming into Iraq or Afghanistan.

This means that when the National Guard comes home, they are finding their stocks of equipment—ranging from humvees to night-vision goggles, generators and radios—cleaned out. So today, we face a frightening series of questions—what happens when the next Hurricane Katrina strikes? Who will help restore order? Who will help

provide critical emergency response services? And what equipment will they use?

The National Guard Commission, led by former Senate Armed Services Committee Staff Director retired Marine General Arnold Punaro, lays out the problems in stark terms. Unless we address this situation immediately, we will jeopardize not only our troops' safety but our very nation's security.

That is why today I am introducing legislation to rebuild our National Guard and ensure that it can fully perform both its homeland security and national defense missions. According to the National Guard Bureau at the Pentagon, the President's budget is short \$38 billion over the next five years. My bill would allocate funding according to the needs projected by National Guard Bureau Chief Lieutenant General H. Steven Blum.

Some may suggest that this is not an issue that can simply be fixed with more money. As in prior years, the Department of Defense may say that the defense industry simply just does not have adequate capacity to manufacture all of these new product orders. If that is the case, we will need to find ways to expand our nation's defense production. For that reason, my bill will also require the Defense Department to provide a plan for investing in industry to expand their manufacturing capacity.

This legislation will complement the Leahy-Bond Guard Empowerment Act of 2007, legislation that I have proudly cosponsored to elevate National Guard leadership at the Department of Defense so that it may better contribute to the formulation of key defense policies. But without the necessary resources, the National Guard will be unable to do its job. That is why my legislation is so important today.

These conclusions were further confirmed by a January 2007 Government Accountability Office (GAO) report which found that our National Guard's equipment inventories in the United States have decreased largely because of overseas operations. The GAO further found that as of November 2006, nondeployed Army National Guard forces nationwide only have 64 percent of the total amount of equipment they need.

Let me be clear about the reasons why my legislation is needed to lay out our budget for the next five years. While the administration's recent five-year budget projections have sought large increases for National Guard equipment, according to the National Guard Commission Report data, the administration and Republican-led Congresses have repeatedly failed to follow through on such requirements.

According to the Commission, funding from 1999–2005 has been reduced significantly from the amounts identified several years earlier. For example, when the administration's first five-year budget was submitted to Congress, it showed that the Army planned to fund \$1.346 billion in Fiscal Year 2004

for Army National Guard procurement. But in reality, the Army Guard actually had only \$578.4 million to spend that year. Similarly, the Fiscal Year 2005 budget was initially projected to be \$1.625 billion for the Army National Guard. But when it came time to allocate the funding, the Administration and their Congressional allies could only come up with \$660.9 million for Army National Guard procurement.

Indeed, while our troops have given their all on the battlefield, the administration and United States Congress have not held up their end of the bargain. We owe it to our troops to do all that we can to promote their wellbeing—whether providing appropriate care at our military and VA hospitals or providing the military equipment they need to complete their missions safely and effectively.

Regrettably, the sad and simple fact is that the administration has repeatedly come up short in this regard. And these failures are having devastating consequences, not only for our troops but for our Nation's very defense and homeland security.

This situation is not new. I have come to the floor to try to address lacking resources for our military's essential equipment needs from the very first year of the Iraq war. In 2003, the Army identified \$322 million in shortfalls in critical health and safety gear—ranging from body armor, camelback hydration systems, and combat helmets to equipment for deactivating high-explosives—all priorities that the Rumsfeld Pentagon and Bush administration failed to provide for in their initial budgets. I offered an amendment to the Emergency Appropriations bill to resolve these problems. Unfortunately, the Bush administration opposed this legislation, and the amendment was defeated along party lines.

In 2004, we tried a different approach—requiring the Department of Defense to reimburse military personnel who bought equipment for military service in Iraq and Afghanistan that the Rumsfeld Pentagon had failed to provide. This time, despite ardent objections of Secretary Rumsfeld's Pentagon, Congress approved the legislation. And in October 2004, President Bush signed the bill into law. We approved similar legislation in 2005 to further extend this benefit as troops, their families, and their communities continued to dig into their own pockets to buy needed lifesaving equipment for use on the battlefield.

But last year, the difficulties associated with equipment shortfalls posed a far more serious problem. Working with Senators INOUE, REED and STEVENS, I offered an amendment to address a \$17 billion budget shortfall to replace and repair thousands of war battered tanks, aircraft, and vehicles. Without these additional resources, the Army Chief of Staff claimed that U.S. Army readiness would deteriorate even further. This provision was approved unanimously and enacted in law. But much more remains to be done.

If Congress and the administration do not finally heed the warnings of the U.S. military's top generals, and fully fund our equipment needs, the Armed Forces' ability to respond to future challenges to America's national security—whether on the Korean Peninsula, the Middle East, or elsewhere in the world—could be harmed.

Moreover, if we do not take the findings of the independent National Guard Commission seriously, and fully address the equipment shortfalls of our Citizen Soldiers here at home, I am afraid we will further erode our states' most pressing emergency response capabilities.

For the last six years, our troops have unconditionally served in Afghanistan, battling Al Qaeda and Taliban forces. And for four years, they have bravely followed orders into Iraq, despite the administration's ill-defined objectives and faulty intelligence.

Our troops have served with characteristic honor, dedication, and skill. It is high time that we meet our commitments to them—and give them the mission-critical gear they need to get their jobs done. I strongly urge my colleagues to support my legislation.

By Mrs. CLINTON:

S. 757. A bill to create a national set of effective voluntary national expectations for mathematics and science education in kindergarten through grade 12, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to reintroduce legislation to help ensure that American students are competitive in today's global economy. If approved, The National Mathematics and Science Consistency Act would ensure that America's children have access to a rigorous math and science education.

The reality is that modern technology makes it increasingly possible for employers to hire the most skilled workers wherever they live. Additionally, too many American students—even some graduates of high school and college—are not equipped with the skills they need to compete successfully in the global economy. That is why I am reintroducing the Mathematics and Science Consistency Act.

This legislation calls for the National Academy of Sciences (NAS) to convene a national panel of experts to collect proven effective K-12 science and mathematics teaching standards and materials to serve as promising practices. Under this bill, it is entirely up to states whether to adopt these promising practices. States that do so, however, would be eligible for grants to acquire instructional materials, to make those materials available online to teachers and staff for free, and to train teachers to effectively use these materials. These promising practices would provide effective standards for K-12 education.

Regrettably, many States have set standards for math and science edu-

cation at an abysmally low level. A Fordham Institute report entitled "The State of State Science Standards 2006" deemed the average grade for State standards across all subjects as a "C-minus," while two-thirds of our K-12 students attend schools in States with C-, D-, or F-rated standards. The result of low State standards is that States think their students are demonstrating proficiency in math and science when in fact they are not.

For example, a recent Trends in International Mathematics and Science Study, the largest and most comprehensive comparative international study of education, found that 12th graders in the U.S. ranked 21st out of 40 industrialized nations on general math and science knowledge. In addition, just one in three of America's college graduates earn degrees in math, science, and engineering while two in three college graduates of other countries do so. We must act now to improve education and research in math and science if America is to retain leadership of the global economy in the 21st century.

The Mathematics and Science Consistency Act will help States to raise their standards, invest in high-quality teaching through the collection of best practices, and ensure that a world-class curriculum is available to all students. I am hopeful that my Senate colleagues from both sides of the aisle will join me today to move this legislation to the floor without delay.

By Mr. WEBB:

S. 759. A bill to prohibit the use of funds for military operations in Iran; to the Committee on Foreign Relations.

Mr. WEBB. Mr. President, I rise today to introduce legislation that will prohibit the use of funds for military operations in Iran without congressional authorization. The purpose of this legislation is to restore a proper balance between the executive and legislative branches when it comes to the commencement of military activities.

I have taken great care in the preparation of this bill to ensure it will not in any way prevent our military forces from carrying out their tactical responsibilities in places such as Iraq and in the international waters off of Iran's coast.

I want to put up a chart. These are the exceptions that are clearly outlined in this bill: The legislation allows American forces to directly respond to attacks or possible attacks that might be initiated from Iran as well as those that might be begun elsewhere and then carry over into Iranian territory; the so-called hot pursuit exception. I have also excluded operations relating to intelligence gathering.

The major function of this legislation is to prevent this administration from commencing unprovoked military activities against Iran without the approval of the Congress. The legislation accomplishes this goal through the

proper constitutional process of prohibiting all funding for such an endeavor.

Unlike the current situation in Iraq, where cutting off funds might impede or interrupt ongoing operations, this legislation denies funding that would be necessary to begin such operations against Iran in the first place.

In the past 2 weeks, we have seen a fresh willingness on the part of this administration to pursue new approaches for a regional settlement that will eventually allow the United States to withdraw our forces from Iraq and also increase stability in the Middle East. I commend Secretary of State Rice and Secretary of Defense Gates for their efforts in bringing about what seems to be the beginning of a clear and much needed course correction.

It is particularly significant that Iran and Syria have been invited to participate and that the United States will join in the upcoming regional meetings regarding Iraq. These upcoming meetings will offer many different countries the opportunity to address legitimate concerns and to emphasize mutual interests. I am hopeful it will open the door for a different kind of dialogue with Iran.

Despite its newfound level of influence in Iraq, it is not in Iran's best interest to see Iraq disintegrate into anarchy. Iran also has challenges with its own sectarian groups, not the least of which are the Kurds. Al-Qaida represents a threat to Iran as well, and it is not in Iran's interest to see this terrorist movement gain even more power. Free and open access to the Strait of Hormuz also is vital to Iran's economy given its overwhelming reliance on oil exports.

As this regional conference approaches, the rhetoric with respect to possible Iranian activities inside Iraq continues, and the increases to our naval and missile defense presence in the gulf remain. The administration's past failure to engage with Iran diplomatically in a meaningful way, coupled with what Iran could perceive as preparations for a military strike, creates a potent brew that easily could lead to miscalculation on both sides.

The 1988 incident with the USS *Vincennes* comes to mind, when an overly aggressive commanding officer, operating inside Iranian territorial waters, according to a subsequent admission by Joint Chiefs of Staff Chairman Admiral Crowe, shot down commercial passenger aircraft Iran Air Flight 655.

These circumstances—the stated desire of many connected to this administration to invade Iran, the saber-rattling rhetoric, the strategic miscalculations in Iraq—call for this Congress to formalize an historic mandate that in recent years seems to have been lost to the public's understanding. Quite simply, it is the constitutional obligation of the administration to obtain congressional approval in order to commence military action against another country, except under very limited circumstances. This is the very

process our Founding Fathers envisioned.

In fact, the records from the Constitutional Convention in August 1787 make this abundantly clear. There was much debate during this convention regarding how much authority should be in the hands of the President with respect to actually initiating military action. The Convention's participants carefully decided the President should not be given the power to decide with whom this Nation should go to war or to undertake aggressive actions without the consent of Congress. The President's powers to initiate military action were to be for the purpose of repelling sudden attacks—and this is the language I have used in this legislation.

As Constitutional Convention delegate James Wilson explained to the Pennsylvania ratifying convention:

This system will not hurry us into war, it is calculated to guard against it. It will not be in the power of a single man, or a single body of men, to involve us in such distress.

To state the obvious, Iran is not Iraq. The President has no authority to begin unilateral military operations against Iran. In this regard, I strongly urge my colleagues to consider that the issue before us is not simply policies with respect to Iran but the proper procedures with respect to how we as a government lead the United States.

This is far less a matter of possible differences between Republicans and Democrats than it is our mutual concern for protecting the rightful place of the legislative branch in determining the interests of the country and the possible consequences of further military action. In this regard, I point out that the principal sponsor of similar legislation in the other body is Congressman WALTER JONES, a Republican, from North Carolina.

On the one hand, the administration assures us it has no intention of launching military operations against Iran. On the other, the administration tells us all options remain on the table, at a time when our military buildup in the region continues to grow rapidly. While we see encouraging diplomatic initiatives with respect to Iraq, it is important that we clarify formally the perimeter of our immediate military interests in the Middle East.

It is time we move forward to end our military involvement in Iraq, and the path to doing so is not to widen the war into Iran. Proper robust diplomacy will enable us to bring greater stability to the region, to remove the American military from Iraq, to increase our ability to defeat the forces of international terrorism, and, finally, to focus on the true strategic challenges that face us around the world.

I hope my colleagues will take note of the news articles today in the media around the world that show China again has increased its defense budget by double digits last year to the tune of 18 percent. These are strategic challenges the United States is ignoring at

its peril as it remains paralyzed in the Middle East.

I believe the American people will welcome this legislation. This administration has used force recklessly, choosing the military option again and again, while never matching the quality of our military's performance with robust, creative diplomacy. Furthermore, the President's signing statement accompanying the 2002 congressional resolution authorizing the use of force in Iraq indicates that this administration believes it possesses the broadest imaginable authority to commence military action without the consent of the Congress.

In signing that 2002 Iraq resolution, the President denied that the Congress has the power to affect his decisions when it comes to the use of our military. He shrugged off this resolution, stating that on the question of a threat posed by Iraq, his views and those of the Congress merely happen to be the same. He characterized the resolution as simply a gesture of additional support rather than as having any legitimate authority. He stated, and I think it is worth noting:

My signing this resolution does not constitute any change in the President's constitutional authority to use force to deter, prevent, or respond to aggression or other threats to the United States interests.

This is a sweeping assertion of powers that leaves out virtually nothing. It is a far different matter than repelling an immediate attack or conducting a war that has been authorized by the Congress. Let us match up a couple of those words. The President is saying, for instance, he possesses the authority to use force to deter threats to U.S. interests. How does one use force to deter a threat rather than responding to it? What kind of U.S. interest is worthy of the use of force? Most importantly, how do these vague terms fit into the historically accepted notions of a Commander in Chief's power to repel attacks or to conduct military operations once they have been approved by the Congress?

During our recent hearings in the Senate Committee on Foreign Relations, I asked both the Secretary of State, and the Deputy Secretary of State during his confirmation hearings, for a clarification of this paragraph. My question was whether this administration believes it has the authority to conduct unilateral military operations against Iran in the absence of a direct attack or a compelling immediate threat, without the consent of the Congress. Both wrote me lengthy letters in reply but neither could give me a clear response.

The situation we now face is that the administration repeatedly states it seeks no war with Iran at the same time it claims the authority to begin one, and at the same time it continues a military buildup in the region. The legislation I introduce today is intended to clarify this ambiguity. In so doing, the Congress will be properly restating its constitutional relationship

with the executive branch, the Congress will be reinstituting its historical role as it relates to the conduct of foreign policy, and the Congress will be reassuring the American people that there will be no more shooting from the hip when it comes to the gravely serious question of when we send our military people into harm's way.

I emphasize that this bill will not take any military operations off the table nor will it tie the hands of the administration if our military forces are actually attacked from Iranian soil or its territorial waters or by forces that retreat into Iranian territory. Nor does this legislation let Iran off the hook in terms of our insistence that Iran become a more responsible nation, including our positions regarding Iran's nuclear program and Iran's recognition of Israel's right to exist.

I was one of the early voices warning that in terms of national security Iran was a far greater threat than Iraq. This was one of the reasons I opposed the invasion of Iraq in the first place. All of the options regarding Iran remain on the table. The question is in what context these options should be debated, alongside other options designed to eventually open Iran and bring it responsibly into the world community. In my view, and in terms of the constitutional process, absent a direct attack or a clearly imminent threat, the place for that debate is here in the open forum of the Congress and not in some closed-door meeting at the White House.

It is my hope we can take up this necessary legislation either in the format in which I have introduced it today or as an amendment to the 2007 supplemental appropriations bill, which we will consider in the next few weeks. I look forward to working with my colleagues on both sides of the aisle, and I would welcome their support.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. BINGAMAN, Mr. DOMENICI, Mr. INOUE, Mr. STEVENS, Mr. KENNEDY, Mr. ENZI, Mr. LIEBERMAN, Mr. ENSIGN, Ms. MIKULSKI, Mr. ALEXANDER, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. KERRY, Mr. SMITH, Mr. MENENDEZ, Mr. ROBERTS, Mr. SALAZAR, Mr. CORNYN, Mr. PRYOR, Mr. COLEMAN, Ms. CANTWELL, Mr. MARTINEZ, Mr. CARPER, Ms. MURKOWSKI, Mrs. CLINTON, Mr. CRAIG, Mr. KOHL, Mr. LUGAR, Mr. BROWN, Mr. VOINOVICH, Mr. ROCKEFELLER, Mr. WARNER, Ms. LANDRIEU, and Mr. OBAMA):

S. 761. A bill to invest in innovation and education to improve the competitiveness of the United States in the global economy; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "America COMPETES Act" or the "America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into 4 divisions as follows:

(1) DIVISION A.—Commerce and Science.

(2) DIVISION B.—Department of Energy.

(3) DIVISION C.—Education.

(4) DIVISION D.—National Science Foundation.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—COMMERCE AND SCIENCE

Sec. 1001. Short title.

TITLE I—OFFICE OF SCIENCE AND TECHNOLOGY POLICY; GOVERNMENT-WIDE SCIENCE

Sec. 1101. National Science and Technology Summit.

Sec. 1102. Study on barriers to innovation.

Sec. 1103. National Innovation Medal.

Sec. 1104. Release of scientific research results.

Sec. 1105. Semiannual Science, Technology, Engineering, and Mathematics Days.

Sec. 1106. Study of service science.

TITLE II—INNOVATION PROMOTION

Sec. 1201. President's Council on Innovation and Competitiveness.

Sec. 1202. Innovation acceleration research.

TITLE III—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Sec. 1301. NASA's contribution to innovation.

Sec. 1302. Aeronautics Institute for Research.

Sec. 1303. Basic research enhancement.

Sec. 1304. Aging workforce issues program.

Sec. 1305. Conforming amendments.

Sec. 1306. Fiscal year 2008 basic science and research funding.

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Sec. 1401. Authorization of appropriations.

Sec. 1402. Amendments to the Stevenson-Wydler Technology Innovation Act of 1980.

Sec. 1403. Innovation acceleration.

Sec. 1404. Manufacturing extension.

Sec. 1405. Experimental Program to Stimulate Competitive Technology.

Sec. 1406. Technical amendments to the National Institute of Standards and Technology Act and other technical amendments.

TITLE V—OCEAN AND ATMOSPHERIC PROGRAMS

Sec. 1501. Ocean and atmospheric research and development program.

Sec. 1502. NOAA ocean and atmospheric science education programs.

DIVISION B—DEPARTMENT OF ENERGY

Sec. 2001. Short title.

Sec. 2002. Definitions.

Sec. 2003. Mathematics, science, and engineering education at the Department of Energy.

Sec. 2004. Department of Energy early-career research grants.

Sec. 2005. Advanced Research Projects Authority-Energy.

Sec. 2006. Authorization of appropriations for the Department of Energy for basic research.

Sec. 2007. Discovery science and engineering innovation institutes.

Sec. 2008. Protecting America's Competitive Edge (PACE) graduate fellowship program.

Sec. 2009. Title IX compliance.

Sec. 2010. High-risk, high-reward research.

Sec. 2011. Distinguished scientist program.

DIVISION C—EDUCATION

Sec. 3001. Findings.

Sec. 3002. Definitions.

TITLE I—TEACHER ASSISTANCE

Subtitle A—Teachers for a Competitive Tomorrow

Sec. 3111. Purpose.

Sec. 3112. Definitions.

Sec. 3113. Programs for baccalaureate degrees in mathematics, science, engineering, or critical foreign languages, with concurrent teacher certification.

Sec. 3114. Programs for master's degrees in mathematics, science, or critical foreign languages education.

Sec. 3115. General provisions.

Sec. 3116. Authorization of appropriations.

Subtitle B—Advanced Placement and International Baccalaureate Programs

Sec. 3121. Purpose.

Sec. 3122. Definitions.

Sec. 3123. Advanced Placement and International Baccalaureate programs.

TITLE II—MATH NOW

Sec. 3201. Math Now for elementary school and middle school students program.

TITLE III—FOREIGN LANGUAGE PARTNERSHIP PROGRAM

Sec. 3301. Findings and purpose.

Sec. 3302. Definitions.

Sec. 3303. Program authorized.

Sec. 3304. Authorization of appropriations.

TITLE IV—ALIGNMENT OF EDUCATION PROGRAMS

Sec. 3401. Alignment of secondary school graduation requirements with the demands of 21st century postsecondary endeavors and support for P-16 education data systems.

DIVISION D—NATIONAL SCIENCE FOUNDATION

Sec. 4001. Authorization of appropriations.

Sec. 4002. Strengthening of education and human resources directorate through equitable distribution of new funds.

Sec. 4003. Graduate fellowships and graduate traineeships.

Sec. 4004. Professional science master's degree programs.

Sec. 4005. Increased support for science education through the National Science Foundation.

Sec. 4006. Meeting critical national science needs.

Sec. 4007. Reaffirmation of the merit-review process of the National Science Foundation.

Sec. 4008. Experimental Program to Stimulate Competitive Research.

Sec. 4009. Encouraging participation.

Sec. 4010. Cyberinfrastructure.

Sec. 4011. Federal information and communications technology research.

Sec. 4012. Robert Noyce Teacher Scholarship Program.

Sec. 4013. Sense of the Senate regarding the mathematics and science partnership programs of the Department of Education and the National Science Foundation.

Sec. 4014. National Science Foundation teacher institutes for the 21st century.

DIVISION A—COMMERCE AND SCIENCE

SEC. 1001. SHORT TITLE.

This division may be cited as the “American Innovation and Competitiveness Act”.

TITLE I—OFFICE OF SCIENCE AND TECHNOLOGY POLICY; GOVERNMENT-WIDE SCIENCE

SEC. 1101. NATIONAL SCIENCE AND TECHNOLOGY SUMMIT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the President shall convene a National Science and Technology Summit to examine the health and direction of the United States’ science and technology enterprises. The Summit shall include representatives of industry, small business, labor, academia, State government, Federal research and development agencies, non-profit environmental and energy policy groups concerned with science and technology issues, and other nongovernmental organizations.

(b) REPORT.—Not later than 90 days after the date of the conclusion of the Summit, the President shall issue a report on the results of the Summit. The report shall identify key research and technology challenges and recommendations for areas of investment for Federal research and technology programs to be carried out during the 5-year period beginning on the date the report is issued.

(c) ANNUAL EVALUATION.—Beginning in 2008, the Director of the Office of Science and Technology Policy shall publish and submit to Congress an annual report that contains recommendations for areas of investment for Federal research and technology programs, including a justification for each area identified in the report. Each report submitted during the 5-year period beginning on the date of the conclusion of the Summit shall take into account any recommendations made by the Summit.

SEC. 1102. STUDY ON BARRIERS TO INNOVATION.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall enter into a contract with the National Academy of Sciences to conduct and complete a study to identify, and to review methods to mitigate, new forms of risk for businesses beyond conventional operational and financial risk that affect the ability to innovate, including studying and reviewing—

(1) incentive and compensation structures that could effectively encourage long-term value creation and innovation;

(2) methods of voluntary and supplemental disclosure by industry of intellectual capital, innovation performance, and indicators of future valuation;

(3) means by which government could work with industry to enhance the legal and regulatory framework to encourage the disclosures described in paragraph (2);

(4) practices that may be significant deterrents to United States businesses engaging in innovation risk-taking compared to foreign competitors;

(5) costs faced by United States businesses engaging in innovation compared to foreign competitors, including the burden placed on businesses by high and rising health care costs;

(6) means by which industry, trade associations, and universities could collaborate to support research on management practices and methodologies for assessing the value and risks of longer term innovation strategies;

(7) means to encourage new, open, and collaborative dialogue between industry asso-

ciations, regulatory authorities, management, shareholders, labor, and other concerned interests to encourage appropriate approaches to innovation risk-taking;

(8) incentives to encourage participation among institutions of higher education, especially those in rural and underserved areas, to engage in innovation;

(9) relevant Federal regulations that may discourage or encourage innovation;

(10) the extent to which Federal funding promotes or hinders innovation; and

(11) the extent to which individuals are being equipped with the knowledge and skills necessary for success in the 21st century workforce, as measured by—

(A) elementary school and secondary school student academic achievement on the State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 (b)(3)), especially in mathematics, science, and reading;

(B) the rate of student entrance into institutions of higher education by type of institution, and barriers to access to institutions of higher education;

(C) the rates of—

(i) students successfully completing post-secondary education programs; and

(ii) certificates, associate degrees, and baccalaureate degrees awarded in the fields of science, technology, engineering, and mathematics; and

(D) access to, and availability of, high quality job training programs.

(b) REPORT REQUIRED.—Not later than 1 year after entering into the contract required by subsection (a) and 4 years after entering into such contract, the National Academy of Sciences shall submit to Congress a report on the study conducted under such subsection.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Academy of Sciences \$1,000,000 for fiscal year 2008 for the purpose of carrying out the study required under this section.

SEC. 1103. NATIONAL INNOVATION MEDAL.

Section 16 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711) is amended—

(1) by striking the section heading and inserting “**SEC. 16. NATIONAL TECHNOLOGY AND INNOVATION MEDAL.**”; and

(2) in subsection (a), by striking “Technology Medal” and inserting “Technology and Innovation Medal”.

SEC. 1104. RELEASE OF SCIENTIFIC RESEARCH RESULTS.

(a) PRINCIPLES.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, in consultation with the Director of the Office of Management and Budget and the heads of all Federal civilian agencies that conduct scientific research, shall develop and issue an overarching set of principles to ensure the communication and open exchange of data and results to other agencies, policymakers, and the public of research conducted by a scientist employed by a Federal civilian agency and to prevent the intentional or unintentional suppression or distortion of such research findings. The principles shall encourage the open exchange of data and results of research undertaken by a scientist employed by such an agency and shall be consistent with existing Federal laws, including chapter 18 of title 35, United States Code (commonly known as the “Bayh-Dole Act”).

(b) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall ensure that all ci-

vilian Federal agencies that conduct scientific research develop specific policies and procedures regarding the public release of data and results of research conducted by a scientist employed by such an agency consistent with the principles established under subsection (a). Such policies and procedures shall—

(1) specifically address what is and what is not permitted or recommended under such policies and procedures;

(2) be specifically designed for each such agency;

(3) be applied uniformly throughout each such agency; and

(4) be widely communicated and readily accessible to all employees of each such agency and the public.

SEC. 1105. SEMI-ANNUAL SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS DAYS.

It is the sense of Congress that the Director of the Office of Science and Technology Policy should—

(1) encourage all elementary and middle schools to observe a Science, Technology, Engineering, and Mathematics Day twice in every school year for the purpose of bringing in science, technology, engineering, and mathematics mentors to provide hands-on lessons to excite and inspire students to pursue the science, technology, engineering, and mathematics fields (including continuing education and career paths);

(2) initiate a program, in consultation with Federal agencies and departments, to provide support systems, tools (from existing outreach offices), and mechanisms to allow and encourage Federal employees with scientific, technological, engineering, or mathematical responsibilities to reach out to local classrooms on such Science, Technology, Engineering, and Mathematics Days to instruct and inspire school children, focusing on real life science, technology, engineering, and mathematics-related applicable experiences along with hands-on demonstrations in order to demonstrate the advantages and direct applications of studying the science, technology, engineering, and mathematics fields; and

(3) promote Science, Technology, Engineering, and Mathematics Days involvement by private sector and institutions of higher education employees in a manner similar to the Federal employee involvement described in paragraph (2).

SEC. 1106. STUDY OF SERVICE SCIENCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, in order to strengthen the competitiveness of United States enterprises and institutions and to prepare the people of the United States for high-wage, high-skill employment, the Federal Government should better understand and respond strategically to the emerging management and learning discipline known as service science.

(b) STUDY.—Not later than 270 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, through the National Academy of Sciences, shall conduct a study and report to Congress regarding how the Federal Government should support, through research, education, and training, the emerging management and learning discipline known as service science.

(c) OUTSIDE RESOURCES.—In conducting the study under subsection (b), the National Academy of Sciences shall consult with leaders from 2- and 4-year institutions of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), leaders from corporations, and other relevant parties.

(d) SERVICE SCIENCE DEFINED.—In this section, the term “service science” means curricula, training, and research programs that

are designed to teach individuals to apply scientific, engineering, and management disciplines that integrate elements of computer science, operations research, industrial engineering, business strategy, management sciences, and social and legal sciences, in order to encourage innovation in how organizations create value for customers and shareholders that could not be achieved through such disciplines working in isolation.

TITLE II—INNOVATION PROMOTION

SEC. 1201. PRESIDENT'S COUNCIL ON INNOVATION AND COMPETITIVENESS.

(a) IN GENERAL.—The President shall establish a President's Council on Innovation and Competitiveness.

(b) DUTIES.—The Council's duties shall include—

(1) monitoring implementation of public laws and initiatives for promoting innovation, including policies related to research funding, taxation, immigration, trade, and education that are proposed in this Act or in any other Act;

(2) providing advice to the President with respect to global trends in competitiveness and innovation and allocation of Federal resources in education, job training, and technology research and development considering such global trends in competitiveness and innovation;

(3) in consultation with the Director of the Office of Management and Budget, developing a process for using metrics to assess the impact of existing and proposed policies and rules that affect innovation capabilities in the United States;

(4) identifying opportunities and making recommendations for the heads of executive agencies to improve innovation, monitoring, and reporting on the implementation of such recommendations;

(5) developing metrics for measuring the progress of the Federal Government with respect to improving conditions for innovation, including through talent development, investment, and infrastructure improvements; and

(6) submitting to the President and Congress an annual report on such progress.

(c) MEMBERSHIP AND COORDINATION.—

(1) MEMBERSHIP.—The Council shall be composed of the Secretary or head of each of the following:

- (A) The Department of Commerce.
- (B) The Department of Defense.
- (C) The Department of Education.
- (D) The Department of Energy.
- (E) The Department of Health and Human Services.
- (F) The Department of Homeland Security.
- (G) The Department of Labor.
- (H) The Department of the Treasury.
- (I) The National Aeronautics and Space Administration.
- (J) The Securities and Exchange Commission.
- (K) The National Science Foundation.
- (L) The Office of the United States Trade Representative.
- (M) The Office of Management and Budget.
- (N) The Office of Science and Technology Policy.

(O) The Environmental Protection Agency.

(P) Any other department or agency designated by the President.

(2) CHAIRPERSON.—The Secretary of Commerce shall serve as Chairperson of the Council.

(3) COORDINATION.—The Chairperson of the Council shall ensure appropriate coordination between the Council and the National Economic Council, the National Security Council, and the National Science and Technology Council.

(4) MEETINGS.—The Council shall meet on a semi-annual basis at the call of the Chair-

person and the initial meeting of the Council shall occur not later than 6 months after the date of enactment of this Act.

(d) DEVELOPMENT OF INNOVATION AGENDA.—

(1) IN GENERAL.—The Council shall develop a comprehensive agenda for strengthening the innovation and competitiveness capabilities of the Federal Government, State governments, academia, and the private sector in the United States.

(2) CONTENTS.—The comprehensive agenda required by paragraph (1) shall include the following:

(A) An assessment of current strengths and weaknesses of the United States investment in research and development.

(B) Recommendations for addressing weaknesses and maintaining the United States as a world leader in research and development and technological innovation.

(C) Recommendations for strengthening the innovation and competitiveness capabilities of the Federal government, State governments, academia, and the private sector in the United States.

(3) ADVISORS.—

(A) RECOMMENDATION.—Not later than 30 days after the date of enactment of this Act, the National Academy of Sciences, in consultation with the National Academy of Engineering, the Institute of Medicine, and the National Research Council, shall develop and submit to the President a list of 50 individuals that are recommended to serve as advisors to the Council during the development of the comprehensive agenda required by paragraph (1). The list of advisors shall include appropriate representatives from the following:

- (i) The private sector of the economy.
- (ii) Labor.
- (iii) Various fields including information technology, energy, engineering, high-technology manufacturing, health care, and education.
- (iv) Scientific organizations.
- (v) Academic organizations and other non-governmental organizations working in the area of science or technology.

(B) DESIGNATION.—Not later than 30 days after the date that the National Academy of Sciences submits the list of recommended individuals to serve as advisors, the President shall designate 50 individuals to serve as advisors to the Council.

(C) REQUIREMENT TO CONSULT.—The Council shall develop the comprehensive agenda required by paragraph (1) in consultation with the advisors.

(4) INITIAL SUBMISSION AND UPDATES.—

(A) INITIAL SUBMISSION.—Not later than 1 year after the date of enactment of this Act, the Council shall submit to Congress and the President the comprehensive agenda required by paragraph (1).

(B) UPDATES.—At least once every 2 years, the Council shall update the comprehensive agenda required by paragraph (1) and submit each such update to Congress and the President.

(e) TECHNICAL AMENDMENT.—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)) is amended by striking "an" in the first sentence and inserting "a distinct".

(f) OPTIONAL ASSIGNMENT.—Notwithstanding subsection (a) and paragraphs (1) and (2) of subsection (c), the President may designate an existing council to carry out the requirements of this section.

SEC. 1202. INNOVATION ACCELERATION RESEARCH.

(a) PROGRAM ESTABLISHED.—The President, through the head of each Federal research agency, shall establish a program, to be known as the Innovation Acceleration Research Program, to support and promote innovation in the United States through re-

search projects that can yield results with far-ranging or wide-ranging implications but are considered too novel or span too diverse a range of disciplines to fare well in the traditional peer review process. Priority in the awarding of grants under this program shall be given to research projects that—

- (1) meet fundamental technology or scientific challenges;
- (2) involve multidisciplinary work; and
- (3) involve a high degree of novelty.

(b) DEPARTMENTS AND AGENCIES.—

(1) FUNDING GOALS.—The President shall ensure that it is the goal of each Executive agency (as defined in section 105 of title 5, United States Code) that finances research in science, mathematics, engineering, and technology to allocate approximately 8 percent of the agency's total annual research and development budget to funding research, including grants, under the Innovation Acceleration Research Program.

(2) ADMINISTRATION.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the head of each Executive agency participating in the Innovation Acceleration Research Program under paragraph (1) shall submit to the Director of the Office of Science and Technology Policy and the Director of the Office of Management and Budget a plan for implementing the research program within such Executive agency. An implementation plan may incorporate existing initiatives of the Executive agencies that promote research in innovation as described in subsection (a).

(B) REQUIRED METRICS.—

(i) IN GENERAL.—The head of each Executive agency submitting an implementation plan pursuant to subparagraph (A) shall include metrics upon which grant funding decisions will be made and metrics for assessing the success of the grants awarded.

(ii) METRICS FOR BASIC RESEARCH.—The metrics developed under clause (i) to assess basic research programs shall assess management of the programs and shall not assess specific scientific outcomes of the research conducted by the programs.

(C) GRANT DURATION AND RENEWALS.—

(i) IN GENERAL.—Any grants issued by an Executive agency under this section shall be for a period not to exceed 3 years.

(ii) EVALUATION.—Not later than 90 days prior to the expiration of a grant issued under this section, the Executive agency that approved the grant shall complete an evaluation of the effectiveness of the grant based on the metrics established pursuant to subparagraph (B). In its evaluation, the Executive agency shall consider the extent to which the program funded by the grant met the goals of quality improvement and job creation.

(iii) PUBLICATION OF REVIEW.—The Executive agency shall publish and make available to the public the review of each grant approved pursuant to this section.

(iv) FAILURE TO MEET METRICS.—Any grant that the Executive agency awarding the grant determines has failed to satisfy any of the metrics developed pursuant to subparagraph (B), shall not be eligible for a renewal.

(v) RENEWAL.—A grant issued under this section that satisfies all of the metrics developed pursuant to subparagraph (B), may be renewed once for a period of not more than 3 years. Additional renewals may be considered only if the head of the Executive agency makes a specific finding that the program being funded involves a significant technology or scientific advance that requires a longer time frame to complete critical research, and the research satisfies all the metrics developed pursuant to subparagraph (B).

(vi) **WAIVER.**—The head of the Executive agency may authorize a waiver of the requirement of clauses (iv) and (v) related to satisfying metric requirements if he or she determines that the grant failed to meet a small number of metrics and the failure was not significant for the overall performance of the grant.

(c) **DEFINITIONS.**—In this section:

(1) **FEDERAL RESEARCH AGENCY.**—The term “Federal research agency” means a major organizational component of a department or agency of the Federal Government, or other establishment of the Federal Government operating with appropriated funds, that has as its primary purpose the performance of scientific research.

(2) **MAJOR ORGANIZATIONAL COMPONENT.**—The term “major organizational component”, with respect to a department, agency, or other establishment of the Federal Government, means a component of the department, agency, or other establishment that is administered by an individual whose rate of basic pay is not less than the rate of basic pay payable under level V of the Executive Schedule under section 5316 of title 5, United States Code.

TITLE III—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 1301. NASA'S CONTRIBUTION TO INNOVATION.

(a) **PARTICIPATION IN INTERAGENCY ACTIVITIES.**—The National Aeronautics and Space Administration shall be a full participant in any interagency effort to promote innovation and economic competitiveness through near-term and long-term basic scientific research and development and the promotion of science, technology, engineering, and mathematics education.

(b) **HISTORIC FOUNDATION.**—In order to carry out the participation described in subsection (a), the Administrator of the National Aeronautics and Space Administration shall build on the historic role of the National Aeronautics and Space Administration in stimulating excellence in the advancement of physical science and engineering disciplines and in providing opportunities and incentives for the pursuit of academic studies in science, technology, engineering, and mathematics.

(c) **BALANCED SCIENCE PROGRAM AND ROBUST AUTHORIZATION LEVELS.**—The balanced science program authorized by section 101(d) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16611) shall be an element of the contribution by the National Aeronautics and Space Administration to such interagency programs. It is the sense of Congress that a robust National Aeronautics and Space Administration, funded at the levels authorized for fiscal years 2007 and 2008 under sections 202 and 203 of such Act (42 U.S.C. 16631 and 16632) and at appropriate levels in subsequent fiscal years would enable a fair balance among science, aeronautics, education, exploration, and human space flight programs and allow full participation in any interagency efforts to promote innovation and economic competitiveness.

(d) **ANNUAL REPORT.**—

(1) **REQUIREMENT.**—The Administrator shall submit to Congress and the President an annual report describing the activities conducted pursuant to this section, including a description of the goals and the objective metrics upon which funding decisions were made.

(2) **CONTENT.**—Each report submitted pursuant to paragraph (1) shall include, with regard to science, technology, engineering, and mathematics education programs, at a minimum, the following:

(A) A description of each program.

(B) The amount spent on each program.

(C) The number of students or teachers served by each program.

(D) Measurement of how each program improved student achievement, including with regard to challenging State achievement standards.

SEC. 1302. AERONAUTICS INSTITUTE FOR RESEARCH.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Administrator of the National Aeronautics and Space Administration shall establish within the Administration an Aeronautics Institute for Research for the purpose of managing the aeronautics research carried out by the Administration.

(2) **DIRECTOR.**—The Institute shall be headed by a Director with appropriate experience in aeronautics research and development.

(b) **DUTIES.**—The Institute shall implement the programs authorized under title IV of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16701 et seq.).

(c) **COOPERATION WITH OTHER AGENCIES.**—

(1) **IN GENERAL.**—The Institute shall operate in conjunction with relevant programs in the Department of Transportation, the Department of Defense, the Department of Commerce, and the Department of Homeland Security, including the activities of the Joint Planning and Development Office established under the Vision 100—Century of Aviation Reauthorization Act (Public Law 108-176; 117 Stat. 2490).

(2) **RESOURCES.**—The Director of the Institute may accept assistance, staff, and funding from those Departments and other Federal agencies. Any such funding shall be in addition to funds authorized for aeronautics under the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155).

(3) **OTHER COORDINATION.**—The Director of the Institute may utilize the Next Generation Air Transportation Senior Policy Committee established under section 710 of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108-176; 49 U.S.C. 40101 note) to coordinate its programs with other Departments and agencies.

(d) **PARTNERSHIPS.**—In developing and carrying out its plans, the Institute shall consult with the public and ensure the participation of experts from the private sector including representatives of commercial aviation, general aviation, aviation labor groups, aviation research and development entities, aircraft and air traffic control suppliers, and the space industry.

SEC. 1303. BASIC RESEARCH ENHANCEMENT.

(a) **IN GENERAL.**—The Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Secretary of Energy, the Secretary of Defense, and Secretary of Commerce shall, to the extent practicable, coordinate basic and fundamental research activities related to physical sciences, technology, engineering and mathematics.

(b) **ESTABLISHMENT OF BASIC RESEARCH EXECUTIVE COUNCIL.**—In order to ensure effective application of resources to basic science activity and to facilitate cooperative basic and fundamental research activities with other governmental organizations, the Administrator of the National Aeronautics and Space Administration shall establish within the Administration a Basic Research Executive Council to oversee the distribution and management of programs and resources engaged in support of basic research activity.

(c) **MEMBERSHIP.**—The membership of the Basic Research Executive Council shall consist of the most senior agency official representing each of the following areas of research:

(1) Space Science.

(2) Earth Science.

(3) Life and Microgravity Sciences.

(4) Aeronautical Research.

(d) **LEADERSHIP.**—The Basic Research Executive Council shall be chaired by an individual appointed for that purpose who shall have, as a minimum, a appropriate graduate degree in a recognizable discipline in the physical sciences, and appropriate experience in the conduct and management of basic research activity. The Chairman of the Council shall report directly to the Administrator of the National Aeronautics and Space Administration.

(e) **SUPPORTING RESOURCES AND PERSONNEL.**—The Chairman of the Basic Research Executive Council shall be provided with adequate administrative staff support to conduct the activity and functions of the Council.

(f) **DUTIES.**—The Basic Research Executive Council shall have, at minimum, the following duties:

(1) To establish criteria for the identification of research activity as basic in nature.

(2) To establish, in consultation with the Office of Science and Technology Policy, the National Science Foundation, the National Academy of Sciences, the National Institutes of Health, and other appropriate external organizations, a prioritization of fundamental research activity to be conducted by the National Aeronautics and Space Administration, to be reviewed and updated on an annual basis, taking into consideration evolving national research priorities.

(3) To monitor, review, and evaluate all basic research activity of the National Aeronautics and Space Administration for compliance with basic research priorities established under paragraph (2).

(4) To make recommendations to the Administrator of the National Aeronautics and Space Administration regarding adjustments in the basic research activities of the Administration to ensure consistency with the research priorities established under this section.

(5) To provide an annual report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives outlining the activities of the Council during the preceding year and the status of basic research activity within the Administration. The initial such report, to serve as a baseline document, shall be provided within 90 days after the establishment and initial operations of the Council.

SEC. 1304. AGING WORKFORCE ISSUES PROGRAM.

It is the sense of Congress that the Administrator of the National Aeronautics and Space Administration should implement a program to address aging work force issues in aerospace that—

(1) documents technical and management experiences before senior people leave the Administration, including—

(A) documenting lessons learned;

(B) briefing organizations;

(C) providing opportunities for archiving lessons in a database; and

(D) providing opportunities for near-term retirees to transition out early from their primary assignment in order to document their career lessons learned and brief new employees prior to their separation from the Administration;

(2) provides incentives for retirees to return and teach new employees about their career lessons and experiences; and

(3) provides for the development of an award to recognize and reward outstanding senior employees for their contributions to knowledge sharing.

SEC. 1305. CONFORMING AMENDMENTS.

Section 101(d) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16611(d)) is amended—

(1) by striking “and” after the semicolon in paragraph (2)(B);

(2) by striking “Act.” in paragraph (2)(C) and inserting “Act; and”;

(3) by adding at the end of paragraph (2) the following:

“(D) the number and content of science activities which are undertaken in support of science missions described in subparagraph (A), and the number and content of science activities which may be considered as fundamental, or basic research, whether incorporated within specific missions or conducted independently of any specific mission.”; and

(4) by adding at the end of paragraph (3) the following:

“(H) How NASA science activities can best be structured to ensure that basic and fundamental research can be effectively maintained and coordinated in response to national goals in competitiveness and innovation, and in contributing to national scientific, technology, engineering and mathematics leadership.”.

SEC. 1306. FISCAL YEAR 2008 BASIC SCIENCE AND RESEARCH FUNDING.

Notwithstanding any other provision of law, the Administrator of the National Aeronautics and Space Administration shall increase funding for basic science and research, including for the Explorer Program, for fiscal year 2008 by \$160,000,000 by transferring such amount for such purpose from accounts of the National Aeronautics and Space Administration. The transfer shall be contingent upon the availability of unobligated balances to the National Aeronautics and Space Administration.

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY**SEC. 1401. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary of Commerce for the use of the National Institute of Standards and Technology—

(1) for fiscal year 2008, \$703,611,000, of which \$115,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program;

(2) for fiscal year 2009, \$773,972,000, of which \$120,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program;

(3) for fiscal year 2010, \$851,369,000, of which \$125,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program; and

(4) for fiscal year 2011, \$936,506,000, of which \$130,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program.

SEC. 1402. AMENDMENTS TO THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

(a) IN GENERAL.—Section 5 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3704) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) TITLE 5, UNITED STATES CODE.—Section 5314 of title 5, United States Code, is amended by striking “Under Secretary of Commerce for Technology.”.

(2) DEFINITIONS.—Section 4 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3703) is amended—

(A) by striking paragraphs (1) and (3); and

(B) by redesignating paragraphs (2) through (13) as paragraphs (1) through (11), respectively.

(3) REPEAL OF AUTHORIZATION.—Section 21(a) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3713(a)) is amended—

(A) in paragraph (1), by striking “sections 5, 11(g), and 16” and inserting “sections 11(g) and 16”; and

(B) in paragraph (2), by striking “\$500,000 is authorized only for the purpose of carrying out the requirements of the Japanese technical literature program established under section 5(d) of this Act;”.

(4) HIGH-PERFORMANCE COMPUTING ACT OF 1991.—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(5) ASSISTIVE TECHNOLOGY ACT OF 1998.—Section 6(b)(4)(B)(v) of the Assistive Technology Act of 1998 (29 U.S.C. 3005(b)(4)(B)(v)) is amended by striking “the Technology Administration of the Department of Commerce,” and inserting “the National Institute of Standards and Technology.”.

SEC. 1403. INNOVATION ACCELERATION.

(a) PROGRAM.—In order to implement section 1202 of this Act, the Director of the National Institute of Standards and Technology shall—

(1) establish a program linked to the goals and objectives of the measurement laboratories, to be known as the “Standards and Technology Acceleration Research Program”, to support and promote innovation in the United States through high-risk, high-reward research; and

(2) set aside, from funds available to the measurement laboratories, an amount equal to not less than 8 percent of the funds available to the Institute each fiscal year for such Program.

(b) EXTERNAL FUNDING.—The Director shall ensure that at least 80 percent of the funds available for such Program shall be used to award competitive, merit-reviewed grants, cooperative agreements, or contracts to public or private entities, including businesses and universities. In selecting entities to receive such assistance, the Director shall ensure that the project proposed by an entity has scientific and technical merit and that any resulting intellectual property shall vest in a United States entity that can commercialize the technology in a timely manner. Each external project shall involve at least one small or medium-sized business and the Director shall give priority to joint ventures between small or medium-sized businesses and educational institutions. Any grant shall be for a period not to exceed 3 years.

(c) COMPETITIONS.—The Director shall solicit proposals annually to address areas of national need for high-risk, high-reward research, as identified by the Director.

(d) ANNUAL REPORT.—Each year the Director shall issue an annual report describing the program’s activities, including include a description of the metrics upon which grant funding decisions were made in the previous fiscal year, any proposed changes to those metrics, metrics for evaluating the success of ongoing and completed grants, and an evaluation of ongoing and completed grants. The first annual report shall include best practices for management of programs to stimulate high-risk, high-reward research.

(e) ADMINISTRATIVE EXPENSES.—No more than 5 percent of the finding available to the program may be used for administrative expenses.

(f) HIGH-RISK, HIGH-REWARD RESEARCH DEFINED.—In this section, the term “high-risk, high-reward research” means research that—

(1) has the potential for yielding results with far-ranging or wide-ranging implications;

(2) addresses critical national needs related to measurement standards and technology; and

(3) is too novel or spans too diverse a range of disciplines to fare well in the traditional peer review process.

SEC. 1404. MANUFACTURING EXTENSION.

(a) MANUFACTURING CENTER EVALUATION.—Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by inserting “A Center that has not received a positive evaluation by the evaluation panel shall be notified by the panel of the deficiencies in its performance and shall be placed on probation for one year, after which time the panel shall re-evaluate the Center. If the Center has not addressed the deficiencies identified by the panel, or shown a significant improvement in its performance, the Director shall conduct a new competition to select an operator for the Center or may close the Center.” after “at declining levels.”.

(b) FEDERAL SHARE.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended by striking subsection (d) and inserting the following:

“(d) ACCEPTANCE OF FUNDS.—In addition to such sums as may be appropriated to the Secretary and Director to operate the Centers program, the Secretary and Director also may accept funds from other Federal departments and agencies and under section 2(c)(7) from the private sector for the purpose of strengthening United States manufacturing. Such funds from the private sector, if allocated to a Center or Centers, shall not be considered in the calculation of the Federal share of capital and annual operating and maintenance costs under subsection (c).”.

SEC. 1405. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE TECHNOLOGY.

(a) IN GENERAL.—The Director of the National Institutes of Standards and Technology shall re-establish the Experimental Program to Stimulate Competitive Technology. The purpose of the program shall be to strengthen the technological competitiveness of those States that have historically received less Federal research and development funds than a majority of the States have received.

(b) ARRANGEMENTS.—In carrying out the program, the Director shall cooperate with State, regional, or local science and technology-based economic development organization and with representatives of small business firms and other appropriate technology-based businesses.

(c) GRANTS AND COOPERATIVE AGREEMENTS.—In carrying out the program, the Director may make grants or enter into cooperative agreements to provide for—

(1) technology research and development;

(2) technology transfer from university research;

(3) technology deployment and diffusion; and

(4) the strengthening of technological and innovation capabilities through consortia comprised of—

(A) technology-based small business firms;

(B) industries and emerging companies;

(C) institutions of higher education including community colleges; and

(D) State and local development agencies and entities.

(d) REQUIREMENTS FOR MAKING AWARDS.—

(1) IN GENERAL.—In making awards under this section, the Director shall ensure that the awards are awarded on a competitive basis that includes a review of the merits of the activities that are the subject of the award, giving special emphasis to those projects which will increase the participation of women, Native Americans (including Native Hawaiians and Alaska Natives), and underrepresented groups in science and technology.

(2) MATCHING REQUIREMENT.—The non-Federal share of the activities (other than planning activities) carried out under an award under this subsection shall be not less than 50 percent of the cost of those activities.

(e) **CRITERIA FOR STATES.**—The Director shall establish criteria for achievement by each State that participates in the program. Upon the achievement of all such criteria, a State shall cease to be eligible to participate in the program.

(f) **COORDINATION.**—To the extent practicable, in carrying out this subsection, the Director shall coordinate the program with other programs of the Department of Commerce.

(g) **REPORT.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Director shall prepare and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a report that meets the requirements of this subsection.

(2) **REQUIREMENTS FOR REPORT.**—The report required by this subsection shall contain—

(A) a description of the structure and procedures of the program;

(B) a management plan for the program;

(C) a description of the merit-based review process to be used in the program;

(D) milestones for the evaluation of activities to be assisted under the program in fiscal year 2008;

(E) an assessment of the eligibility of each State that participates in the Experimental Program to Stimulate Competitive Research of the National Science Foundation to participate in the program under this subsection; and

(F) the evaluation criteria with respect to which the overall management and effectiveness of the program will be evaluated.

SEC. 1406. TECHNICAL AMENDMENTS TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AND OTHER TECHNICAL AMENDMENTS.

(a) **RESEARCH FELLOWSHIPS.**—Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-1) is amended by striking “up to 1 per centum of the” in the first sentence.

(b) **FINANCIAL AGREEMENTS.**—

(1) **CLARIFICATION.**—Section 2(b)(4) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)(4)) is amended by inserting “and grants and cooperative agreements,” after “arrangements.”

(2) **MEMBERSHIPS.**—Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(A) by striking “and” after the semicolon in paragraph (21);

(B) by redesignating paragraph (22) as paragraph (23); and

(C) by inserting after paragraph (21) the following:

“(22) notwithstanding subsection (b)(4) of this section, sections 6301 through 6308 of title 31, United States Code (commonly known as the ‘Grants and Cooperative Agreements Act’), sections 3551 through 3556 of such title (commonly known as the ‘Competition in Contracting Act’), and the Federal Acquisition Regulations set forth in title 48, Code of Federal Regulations, to expend appropriated funds for National Institute of Standards and Technology memberships in scientific organizations, registration fees for attendance at conferences, and sponsorship of conferences in furtherance of technology transfer; and”.

(c) **WORKING CAPITAL FUND.**—Section 12 of the National Institute of Standards and Development Act (15 U.S.C. 278b) is amended by adding at the end the following:

“(g) **AMOUNT AND SOURCE OF TRANSFERS.**—Not to exceed one-quarter per centum of the amounts appropriated to the Institute for any fiscal year may be transferred to the fund, in addition to any other transfer authority. In addition, funds provided to the

Institute from other Federal agencies for the purpose of production of Standard Reference Materials may be transferred to the fund.”.

(d) **OUTDATED SPECIFICATIONS.**—

(1) **REDEFINITION OF METRIC SYSTEM.**—Section 2 of the Act of July 28, 1866, entitled “An Act to authorize the Use of the Metric System of Weights and Measures” (15 U.S.C. 205; 14 Stat. 339) is amended to read as follows:

“SEC. 2. METRIC SYSTEM DEFINED.

“The metric system of measurement shall be defined as the International System of Units as established in 1960, and subsequently maintained, by the General Conference of Weights and Measures, and as interpreted or modified for the United States by the Secretary of Commerce.”.

(2) **REPEAL OF REDUNDANT AND OBSOLETE AUTHORITY.**—The Act of July 21, 1950, entitled, “An Act To redefine the units and establish the standards of electrical and photometric measurements of 1950” (15 U.S.C. 223) is hereby repealed.

(3) **IDAHO TIME ZONE.**—Section 3 of the Act of March 19, 1918, (commonly known as the “Calder Act”) (15 U.S.C. 264) is amended—

(A) in the section heading, by striking “third zone” and inserting “fourth zone”; and

(B) by striking “third zone” and inserting “fourth zone”.

(4) **STANDARD TIME.**—Section 1 of the Act of March 19, 1918, (commonly known as the “Calder Act”) (15 U.S.C. 261) is amended—

(A) by inserting “(a) **IN GENERAL.**—” before “For the purpose”;

(B) by striking the second sentence and the extra period after it and inserting “Except as provided in section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a), the standard time of the first zone shall be Coordinated Universal Time retarded by 4 hours; that of the second zone retarded by 5 hours; that of the third zone retarded by 6 hours; that of the fourth zone retarded by 7 hours; that of the fifth zone retarded 8 hours; that of the sixth zone retarded by 9 hours; that of the seventh zone retarded by 10 hours; that of the eighth zone retarded by 11 hours; and that of the ninth zone shall be Coordinated Universal Time advanced by 10 hours.”; and

(C) by adding at the end the following:

“(b) **COORDINATED UNIVERSAL TIME DEFINED.**—In this section, the term ‘Coordinated Universal Time’ means the time scale maintained through the General Conference of Weights and Measures and interpreted or modified for the United States by the Secretary of Commerce in coordination with the Secretary of the Navy.”.

(e) **RETENTION OF DEPRECIATION SURCHARGE.**—Section 14 of the National Institute of Standards and Technology Act (15 U.S.C. 278d) is amended—

(1) by inserting “(a) **IN GENERAL.**—” before “Within”; and

(2) by adding at the end the following:

“(b) **RETENTION OF FEES.**—The Director is authorized to retain all building use and depreciation surcharge fees collected pursuant to OMB Circular A-25. Such fees shall be collected and credited to the Construction of Research Facilities Appropriation Account for use in maintenance and repair of National Institute of Standards and Technology’s existing facilities.”.

(f) **NON-ENERGY INVENTIONS PROGRAM.**—Section 27 of the National Institute of Standards and Technology Act (15 U.S.C. 278m) is repealed.

TITLE V—OCEAN AND ATMOSPHERIC PROGRAMS

SEC. 1501. OCEAN AND ATMOSPHERIC RESEARCH AND DEVELOPMENT PROGRAM.

The Administrator of the National Oceanic and Atmospheric Administration, in con-

sultation with the Director of the National Science Foundation and the Administrator of the National Aeronautics and Space Administration, shall establish a coordinated program of ocean and atmospheric research and development, in collaboration with academic institutions and other nongovernmental entities, that shall focus on the development of advanced technologies and analytical methods that will promote United States leadership in ocean and atmospheric science and competitiveness in the applied uses of such knowledge.

SEC. 1502. NOAA OCEAN AND ATMOSPHERIC SCIENCE EDUCATION PROGRAMS.

(a) **IN GENERAL.**—The Administrator of the National Oceanic and Atmospheric Administration shall conduct, develop, support, promote, and coordinate formal and informal educational activities at all levels to enhance public awareness and understanding of ocean, coastal, and atmospheric science and stewardship by the general public and other coastal stakeholders, including underrepresented groups in ocean and atmospheric science and policy careers. In conducting those activities, the Administrator shall build upon the educational programs and activities of the agency.

(b) **NOAA SCIENCE EDUCATION PLAN.**—The Administrator, appropriate National Oceanic and Atmospheric Administration programs, ocean atmospheric science and education experts, and interested members of the public shall develop a science education plan setting forth education goals and strategies for the Administration, as well as programmatic actions to carry out such goals and priorities over the next 20 years, and evaluate and update such plan every 5 years.

(c) **CONSTRUCTION.**—Nothing in this section may be construed to affect the application of section 438 of the General Education Provisions Act (20 U.S.C. 1232a) or sections 504 and 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794 and 794d).

DIVISION B—DEPARTMENT OF ENERGY

SEC. 2001. SHORT TITLE.

This division may be cited as the “Protecting America’s Competitive Edge Through Energy Act” or the “PACE-Energy Act”.

SEC. 2002. DEFINITIONS.

In this division:

(1) **DEPARTMENT.**—The term “Department” means the Department of Energy.

(2) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) **NATIONAL LABORATORY.**—The term “National Laboratory” has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Energy, acting through the Under Secretary for Science appointed under section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132(b)).

SEC. 2003. MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION AT THE DEPARTMENT OF ENERGY.

(a) **SCIENCE EDUCATION PROGRAMS.**—Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively;

(2) by inserting after subsection (a) the following:

“(b) **ORGANIZATION OF MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION PROGRAMS.**—

“(1) DIRECTOR OF MATHEMATICS, SCIENCE AND ENGINEERING EDUCATION.—Notwithstanding any other provision of law, the Secretary, acting through the Under Secretary for Science (referred to in this subsection as the ‘Under Secretary’), shall appoint a Director of Mathematics, Science, and Engineering Education (referred to in this subsection as the ‘Director’) with the principal responsibility for administering mathematics, science, and engineering education programs across all functions of the Department.

“(2) QUALIFICATIONS.—The Director shall be an individual, who by reason of professional background and experience, is specially qualified to advise the Under Secretary on all matters pertaining to mathematics, science, and engineering education at the Department.

“(3) DUTIES.—The Director shall—

“(A) oversee all mathematics, science, and engineering education programs of the Department;

“(B) represent the Department as the principal interagency liaison for all mathematics, science, and engineering education programs, unless otherwise represented by the Secretary or the Under Secretary;

“(C) prepare the annual budget and advise the Under Secretary on all budgetary issues for mathematics, science, and engineering education programs of the Department;

“(D) increase, to the maximum extent practicable, the participation and advancement of women and underrepresented minorities at every level of science, technology, engineering, and mathematics education; and

“(E) perform other such matters related to mathematics, science, and engineering education as are required by the Secretary or the Under Secretary.

“(4) STAFF AND OTHER RESOURCES.—The Secretary shall assign to the Director such personnel and other resources as the Secretary considers necessary to permit the Director to carry out the duties of the Director.

“(5) ASSESSMENT.—

“(A) IN GENERAL.—The Secretary shall offer to enter into a contract with the National Academy of Sciences under which the National Academy, not later than 5 years after, and not later than 10 years after, the date of enactment of this paragraph, shall assess the performance of the mathematics, science, and engineering education programs of the Department.

“(B) CONSIDERATIONS.—An assessment under this paragraph shall be conducted taking into consideration, where applicable, the effect of mathematics, science, and engineering education programs of the Department on student academic achievement in math and science.

“(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.”; and

(3) by striking subsection (d) (as redesignated by paragraph (1)) and inserting the following:

“(d) MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION FUND.—The Secretary shall establish a Mathematics, Science, and Engineering Education Fund, using not less than 0.3 percent of the amount made available to the Department for research, development, demonstration, and commercial application for each fiscal year, to carry out sections 3165, 3166, and 3167.”.

(b) CONSULTATION.—The Secretary shall—

(1) consult with the Secretary of Education regarding activities authorized under subpart B of the Department of Energy Science Education Enhancement Act (as added by subsection (d)(3)) to improve mathematics and science education; and

(2) otherwise make available to the Secretary of Education reports associated with programs authorized under that section.

(c) DEFINITION.—Section 3168 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381d) is amended by adding at the end the following:

“(5) NATIONAL LABORATORY.—The term ‘National Laboratory’ has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).”.

(d) MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION PROGRAMS.—The Department of Energy Science Education Enhancement Act (42 U.S.C. 7381 et seq.) is amended—

(1) by inserting after section 3162 the following:

“Subpart A—Science Education Enhancement”;

(2) in section 3169, by striking “part” and inserting “subpart”; and

(3) by adding at the end the following:

“Subpart B—Mathematics, Science, and Engineering Education Programs

“SEC. 3170. DEFINITIONS.

“In this subpart:

“(1) DIRECTOR.—The term ‘Director’ means the Director of Mathematics, Science, and Engineering Education.

“(2) NATIONAL LABORATORY.—The term ‘National Laboratory’ has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

“CHAPTER 1—ASSISTANCE FOR SPECIALTY SCHOOLS FOR MATHEMATICS AND SCIENCE

“SEC. 3171. SPECIALTY SCHOOLS FOR MATHEMATICS AND SCIENCE.

“(a) PURPOSE.—The purpose of this section is to provide assistance to States to establish or expand public, statewide specialty secondary schools that provide comprehensive mathematics and science (including engineering) education to improve the academic achievement of students in mathematics and science.

“(b) DEFINITION OF SPECIALTY SCHOOL FOR MATHEMATICS AND SCIENCE.—In this chapter, the term ‘specialty school for mathematics and science’ means a public secondary school (including a school that provides residential services to students) that—

“(1) serves students residing in the State in which the school is located; and

“(2) offers to those students a high-quality, comprehensive mathematics and science (including engineering) curriculum designed to improve the academic achievement of students in mathematics and science.

“(c) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—From the amounts authorized under subsection (i), the Secretary, acting through the Director, shall award grants, on a competitive basis, to States in order to provide assistance to the States for the costs of establishing or expanding public, statewide specialty schools for mathematics and science.

“(2) RESOURCES.—The Director shall ensure that appropriate resources of the Department, including the National Laboratories, are available to schools funded under this section in order to—

“(A) increase experiential, hands-on learning opportunities in mathematics and science for students attending such schools; and

“(B) provide ongoing professional development opportunities for teachers employed at such schools.

“(3) ASSISTANCE.—Consistent with sections 3165 and 3166, the Director shall make available necessary funds for a program using scientific and engineering staff of the National Laboratories, during which the staff—

“(A) assists teachers in teaching courses at the schools funded under this section;

“(B) uses National Laboratory scientific equipment in teaching the courses; and

“(C) uses distance education and other technologies to provide assistance described in subparagraphs (A) and (B) to schools funded under this section that are not located near the National Laboratories.

“(4) RESTRICTION.—No State shall receive funding for more than 1 specialty school for mathematics and science for a fiscal year.

“(d) FEDERAL AND NON-FEDERAL SHARES.—

“(1) FEDERAL SHARE.—The Federal share of the costs described in subsection (c)(1) shall not exceed 50 percent.

“(2) NON-FEDERAL SHARE.—The non-Federal share of the costs described in subsection (c)(1) shall be—

“(A) not less than 50 percent; and

“(B) provided from non-Federal sources, in cash or in kind, fairly evaluated, including services.

“(e) APPLICATION.—Each State desiring a grant under this section shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may require that describes—

“(1) the process by which and selection criteria with which the State will select and designate a school as a specialty school for mathematics and science in accordance with this section;

“(2) how the State will ensure that funds made available under this section are used to establish or expand a specialty school for mathematics and science—

“(A) in accordance with the activities described in subsection (g); and

“(B) that has the capacity to improve the academic achievement of all students in all core academic subjects, and particularly in mathematics and science;

“(3) how the State will measure the extent to which the school increases student academic achievement on State academic achievement standards in mathematics and science;

“(4) the curricula and materials to be used in the school;

“(5) the availability of funds from non-Federal sources for the non-Federal share of the costs of the activities authorized under this section; and

“(6) how the State will use technical assistance and support from the Department, including the National Laboratories, and other entities with experience and expertise in mathematics and science education, including institutions of higher education.

“(f) DISTRIBUTION.—In awarding grants under this section, the Director shall—

“(1) ensure a wide, equitable distribution among States that propose to serve students from urban and rural areas; and

“(2) provide equal consideration to States without National Laboratories.

“(g) USES OF FUNDS.—

“(1) IN GENERAL.—A State that receives a grant under this section shall use the funds made available through the grant to—

“(A) employ proven strategies and methods for improving student learning and teaching in mathematics and science;

“(B) integrate into the curriculum of the school comprehensive mathematics and science education, including instruction and assessments that are aligned with the State’s academic content and student academic achievement standards (within the meaning of section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311)), classroom management, professional development, parental involvement, and school management; and

“(C) provide high-quality and continuous teacher and staff professional development.

“(2) SPECIAL RULE.—Grant funds under this section may be used for activities described

in paragraph (1) only if the activities are directly related to improving student academic achievement in mathematics and science.

“(h) EVALUATION AND REPORT.—

“(1) STATE EVALUATION AND REPORT.—

“(A) EVALUATION.—Each State that receives a grant under this section shall develop and carry out an evaluation and accountability plan for the activities funded through the grant that measures the impact of the activities, including measurable objectives for improved student academic achievement on State mathematics and science assessments.

“(B) REPORT.—The State shall submit to the Director a report containing the results of the evaluation and accountability plan.

“(2) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of the PACE-Energy Act, the Director shall submit a report to the appropriate committees of Congress detailing the impact of the activities assisted with funds made available under this section.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) \$20,000,000 for fiscal year 2008;

“(2) \$30,000,000 for fiscal year 2009;

“(3) \$40,000,000 for fiscal year 2010; and

“(4) \$50,000,000 for fiscal year 2011.

“CHAPTER 2—EXPERIENTIAL-BASED LEARNING OPPORTUNITIES

“SEC. 3175. EXPERIENTIAL-BASED LEARNING OPPORTUNITIES.

“(a) INTERNSHIPS AUTHORIZED.—

“(1) IN GENERAL.—From the amounts authorized under subsection (f), the Secretary, acting through the Director, shall establish a summer internship program for middle school and secondary school students that shall—

“(A) provide the students with internships at the National Laboratories; and

“(B) promote experiential, hands-on learning in mathematics or science.

“(2) RESIDENTIAL SERVICES.—The Director may provide residential services to students participating in the Internship authorized under this chapter.

“(b) SELECTION CRITERIA.—

“(1) IN GENERAL.—The Director shall establish criteria to determine the sufficient level of academic preparedness necessary for a student to be eligible for an internship under this section.

“(2) PARTICIPATION.—The Director shall ensure the participation of students from a wide distribution of States, including States without National Laboratories.

“(c) PRIORITY.—

“(1) IN GENERAL.—The Director shall give priority for an internship under this section to a student who meets the eligibility criteria described in subsection (b) and who attends a school—

“(A)(i) in which not less than 30 percent of the children enrolled in the school are from low-income families; or

“(ii) that is designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education; and

“(B) for which there is—

“(i) a high percentage of teachers who are not teaching in the academic subject areas or grade levels in which the teachers were trained to teach;

“(ii) a high teacher turnover rate; or

“(iii) a high percentage of teachers with emergency, provisional, or temporary certification or licenses.

“(2) COORDINATION.—The Director shall consult with the Secretary of Education in order to determine whether a student meets the priority requirements of this subsection.

“(d) OUTREACH AND EXPERIENTIAL-BASED PROGRAMS FOR MINORITY STUDENTS.—

“(1) IN GENERAL.—The Secretary, acting through the Director, in cooperation with Hispanic-serving institutions, historically Black colleges and universities, tribally controlled colleges and universities, Alaska Native- and Native Hawaiian-serving institutions, and other minority-serving institutions and nonprofit entities with substantial experience relating to outreach and experiential-based learning projects, shall establish outreach and experiential-based learning programs that will encourage underrepresented minority students in kindergarten through grade 12 to pursue careers in math, science, and engineering.

“(2) COMMUNITY INVOLVEMENT.—The Secretary shall ensure that the programs established under paragraph (1) involve, to the maximum extent practicable—

“(A) participation by parents and educators; and

“(B) the establishment of partnerships with business organizations and appropriate Federal, State, and local agencies.

“(3) DISTRIBUTION.—The Secretary shall ensure that the programs established under paragraph (1) are located in diverse geographic regions of the United States, to the maximum extent practicable.

“(e) EVALUATION AND ACCOUNTABILITY PLAN.—The Director shall develop an evaluation and accountability plan for the activities funded under this chapter that objectively measures the impact of the activities.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2008 through 2011.

“CHAPTER 3—NATIONAL LABORATORIES CENTERS OF EXCELLENCE IN MATHEMATICS AND SCIENCE EDUCATION

“SEC. 3181. NATIONAL LABORATORIES CENTERS OF EXCELLENCE IN MATHEMATICS AND SCIENCE EDUCATION.

“(a) DEFINITION OF HIGH-NEED PUBLIC SECONDARY SCHOOL.—In this chapter, the term ‘high-need public secondary school’ means a secondary school—

“(1) with a high concentration of low-income individuals (as defined in section 1707 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537)); or

“(2) designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education.

“(b) ESTABLISHMENT.—The Secretary shall establish at each of the National Laboratories a program to support a Center of Excellence in Mathematics and Science at 1 high-need public secondary school located in the region of the National Laboratory to provide assistance in accordance with subsection (f).

“(c) PARTNERSHIP.—Each high-need public secondary school selected as a Center of Excellence shall form a partnership with a department that provides training for teachers and principals at an institution of higher education for purposes of compliance with subsection (g).

“(d) SELECTION.—

“(1) IN GENERAL.—The Secretary, acting through the Director, shall establish criteria to guide the National Laboratories in selecting the sites of the Centers of Excellence.

“(2) PROCESS.—The National Laboratories shall select the sites of the Centers of Excellence through an open, widely publicized, and competitive process.

“(e) GOALS.—The Secretary shall establish goals and performance assessments for each Center of Excellence authorized under subsection (b).

“(f) ASSISTANCE.—Consistent with sections 3165 and 3166, the Director shall make available necessary funds for a program using scientific and engineering staff of the National Laboratories, during which the staff—

“(1) assists teachers in teaching courses at the Centers of Excellence in Mathematics and Science; and

“(2) uses National Laboratory scientific equipment in the teaching of the courses.

“(g) SPECIAL RULE.—Each Center of Excellence shall ensure—

“(1) provision of clinical practicum, student teaching, or internship experiences for math and science teacher candidates as part of its teacher preparation program;

“(2) provision of supervision and mentoring for teacher candidates in the teacher preparation program; and

“(3) to the maximum extent practicable, provision of professional development for veteran teachers in the public secondary schools in the region.

“(h) EVALUATION.—The Secretary shall consider the results of performance assessments required under subsection (e) in determining the contract award fee of a National Laboratory management and operations contractor.

“(i) PLAN.—The Director shall—

“(1) develop an evaluation and accountability plan for the activities funded under this chapter that objectively measures the impact of the activities; and

“(2) disseminate information obtained from those measurements.

“(j) NO EFFECT ON SIMILAR PROGRAMS.—Nothing in this section displaces or otherwise affects any similar program being carried out as of the date of enactment of this subpart at any National Laboratory under any other provision of law.

“CHAPTER 4—SUMMER INSTITUTES

“SEC. 3185. SUMMER INSTITUTES.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE PARTNER.—The term ‘eligible partner’ means—

“(A) the mathematics or science (including engineering) department at an institution of higher education, acting in coordination with a department at an institution of higher education that provides training for teachers and principals; or

“(B) a nonprofit entity with expertise in providing professional development for mathematics or science teachers.

“(2) SUMMER INSTITUTE.—The term ‘summer institute’ means an institute, conducted during the summer, that—

“(A) is conducted for a period of not less than 2 weeks;

“(B) includes, as a component, a program that provides direct interaction between students and faculty, including personnel of 1 or more National Laboratories who have scientific expertise; and

“(C) provides for follow-up training, during the academic year, that is conducted in the classroom.

“(b) SUMMER INSTITUTE PROGRAMS AUTHORIZED.—

“(1) PROGRAMS AT THE NATIONAL LABORATORIES.—The Secretary, acting through the Director, shall establish or expand programs of summer institutes at each of the National Laboratories to provide additional training to strengthen the mathematics and science teaching skills of teachers employed at public schools for kindergarten through grade 12, in accordance with the activities authorized under subsections (c) and (d).

“(2) PROGRAMS WITH ELIGIBLE PARTNERS.—

“(A) IN GENERAL.—The Secretary, acting through the Director, shall identify and provide assistance to eligible partners to establish or expand programs of summer institutes that provide additional training to strengthen the mathematics and science teaching skills of teachers employed at public schools for kindergarten through grade 12, in accordance with the activities authorized under subsections (c) and (d).

“(B) ASSISTANCE.—Consistent with sections 3165 and 3166, the Director shall make available necessary funds for a program using scientific and engineering staff of the National Laboratories, during which the staff—

“(i) assists in providing training to teachers at summer institutes; and

“(ii) uses National Laboratory scientific equipment in the training.

“(C) LIMITATION OF AMOUNT.—To carry out this paragraph, the Director may use not more than 50 percent of the amounts authorized under subsection (h) for a fiscal year.

“(c) REQUIRED ACTIVITIES.—Each program authorized under subsection (b) shall—

“(1) create opportunities for enhanced and ongoing professional development for teachers that improves the mathematics and science content knowledge of such teachers;

“(2) include material pertaining to recent developments in mathematics and science pedagogy;

“(3) provide training on the use and integration of technology in the classroom;

“(4) directly relate to the curriculum and academic areas in which the teachers provide instruction;

“(5) enhance the ability of the teachers to understand and use the challenging State academic content standards for mathematics and science and to select appropriate curricula;

“(6) train teachers to use curricula that are—

“(A) based on scientific research;

“(B) aligned with challenging State academic content standards; and

“(C) object-centered, experiment-oriented, and concept- and content-based;

“(7) provide professional development activities, including supplemental and follow-up activities; and

“(8) allow for the exchange of best practices among the participants.

“(d) PERMISSIBLE ACTIVITIES.—A program authorized under subsection (b) may include—

“(1) a program that provides teachers with opportunities to work under the guidance of experienced teachers and college faculty;

“(2) instruction in the use and integration of data and assessments to inform and instruct classroom practice; and

“(3) extended master teacher programs.

“(e) PRIORITY.—To the maximum extent practicable, the Director shall ensure that each summer institute program authorized under subsection (b) provides training to—

“(1) teachers from a wide range of school districts;

“(2) teachers from disadvantaged school districts; and

“(3) teachers from groups underrepresented in the fields of mathematics and science teaching, including women and members of minority groups.

“(f) COORDINATION AND CONSULTATION.—The Director shall consult and coordinate with the Secretary of Education and the Director of the National Science Foundation regarding the implementation of the programs authorized under subsection (b).

“(g) EVALUATION AND ACCOUNTABILITY PLAN.—

“(1) IN GENERAL.—The Director shall develop an evaluation and accountability plan for the activities funded under this section that measures the impact of the activities.

“(2) CONTENTS.—The evaluation and accountability plan shall include—

“(A) measurable objectives to increase the number of mathematics and science teachers who participate in the summer institutes involved; and

“(B) measurable objectives for improved student academic achievement on State mathematics and science assessments.

“(3) REPORT TO CONGRESS.—The Secretary shall submit to Congress with the annual budget submission of the Secretary a report on how the activities assisted under this section improve the mathematics and science teaching skills of participating teachers.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) \$25,000,000 for fiscal year 2008;

“(2) \$40,000,000 for fiscal year 2009;

“(3) \$50,000,000 for fiscal year 2010; and

“(4) \$75,000,000 for fiscal year 2011.

“CHAPTER 5—NUCLEAR SCIENCE EDUCATION

“SEC. 3191. NUCLEAR SCIENCE TALENT EXPANSION PROGRAM FOR INSTITUTIONS OF HIGHER EDUCATION.

“(a) PURPOSES.—The purposes of this section are—

“(1) to address the decline in the number of and resources available to nuclear science programs of institutions of higher education; and

“(2) to increase the number of graduates with degrees in nuclear science, an area of strategic importance to the economic competitiveness and energy security of the United States.

“(b) DEFINITION OF NUCLEAR SCIENCE.—In this section, the term ‘nuclear science’ includes—

“(1) nuclear science;

“(2) nuclear engineering;

“(3) nuclear chemistry;

“(4) radio chemistry; and

“(5) health physics.

“(c) ESTABLISHMENT.—The Secretary, acting through the Director, shall establish in accordance with this section a program to expand and enhance institution of higher education nuclear science educational capabilities.

“(d) NUCLEAR SCIENCE PROGRAM EXPANSION GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—

“(1) IN GENERAL.—The Secretary, acting through the Director, shall award up to 3 competitive grants for each fiscal year to institutions of higher education that establish new academic degree programs in nuclear science.

“(2) ELIGIBILITY.—To be eligible for a grant under this subsection, an applicant shall partner with a National Laboratory or other eligible nuclear-related entity, as determined by the Secretary.

“(3) CRITERIA.—Criteria for a grant awarded under this subsection shall be based on—

“(A) the potential to attract new students to the program;

“(B) academic rigor; and

“(C) the ability to offer hands-on learning opportunities.

“(4) DURATION AND AMOUNT.—

“(A) DURATION.—A grant under this subsection shall be 5 years in duration.

“(B) AMOUNT.—An institution of higher education that receives a grant under this subsection shall be eligible for up to \$1,000,000 for each year of the grant period.

“(5) USE OF FUNDS.—An institution of higher education that receives a grant under this subsection may use the grant to—

“(A) recruit and retain new faculty;

“(B) develop core and specialized course content;

“(C) encourage collaboration between faculty and researchers in the nuclear science field; or

“(D) support outreach efforts to recruit students.

“(e) NUCLEAR SCIENCE COMPETITIVENESS GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—

“(1) IN GENERAL.—The Secretary, acting through the Director shall award up to 10

competitive grants for each fiscal year to institutions of higher education with existing academic degree programs that produce graduates in nuclear science.

“(2) CRITERIA.—Criteria for a grant awarded under this subsection shall be based on the potential for increasing the number and academic quality of graduates in the nuclear sciences who enter into careers in nuclear-related fields.

“(3) DURATION AND AMOUNT.—

“(A) DURATION.—A grant under this subsection shall be 5 years in duration.

“(B) AMOUNT.—An institution of higher education that receives a grant under this subsection shall be eligible for up to \$500,000 for each year of the grant period.

“(4) USE OF FUNDS.—An institution of higher education that receives a grant under this subsection may use the grant to—

“(A) increase the number of graduates in nuclear science that enter into careers in the nuclear science field;

“(B) enhance the teaching of advanced nuclear technologies;

“(C) aggressively pursue collaboration opportunities with industry and National Laboratories;

“(D) bolster or sustain nuclear infrastructure and research facilities of the institution of higher education, such as research and training reactors or laboratories; and

“(E) provide tuition assistance and stipends to undergraduate and graduate students.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) NUCLEAR SCIENCE PROGRAM EXPANSION GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—There are authorized to be appropriated to carry out subsection (d)—

“(A) \$9,000,000 for fiscal year 2008;

“(B) \$13,000,000 for fiscal year 2009;

“(C) \$18,000,000 for fiscal year 2010; and

“(D) \$22,500,000 for fiscal year 2011.

“(2) NUCLEAR SCIENCE COMPETITIVENESS GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—There are authorized to be appropriated to carry out subsection (e)—

“(A) \$11,000,000 for fiscal year 2008;

“(B) \$16,500,000 for fiscal year 2009;

“(C) \$22,000,000 for fiscal year 2010; and

“(D) \$27,500,000 for fiscal year 2011.”.

SEC. 2004. DEPARTMENT OF ENERGY EARLY-CAREER RESEARCH GRANTS.

(a) PURPOSE.—It is the purpose of this section to authorize research grants in the Department for early-career scientists and engineers for purposes of pursuing independent research.

(b) DEFINITION OF ELIGIBLE EARLY-CAREER RESEARCHER.—In this section, the term “eligible early-career researcher” means an individual who—

(1) completed a doctorate or other terminal degree not more than 10 years before the date of application for a grant authorized under this section, except as provided in subsection (c)(3); and

(2) has demonstrated promise in the field of science, technology, engineering, mathematics, computer science, or computational science.

(c) GRANT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall award not less than 65 grants per year to outstanding eligible early-career researchers to support the work of such researchers in the Department, particularly at the National Laboratories, or other federally-funded research and development centers.

(2) APPLICATION.—An eligible early-career researcher who desires to receive a grant under this section shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

(3) **WAIVER.**—The Secretary may find eligible a candidate who has completed a doctorate more than 10 years prior to the date of application if the candidate was unable to conduct research for a period of time because of extenuating circumstances, including military service or family responsibilities.

(4) **DURATION AND AMOUNT.**—

(A) **DURATION.**—A grant under this section shall be 5 years in duration.

(B) **AMOUNT.**—An eligible early career-researcher who receives a grant under this section shall receive up to \$100,000 for each year of the grant period.

(5) **USE OF FUNDS.**—An eligible early career-researcher who receives a grant under this section shall use the grant funds for basic research in natural sciences, engineering, mathematics, or computer sciences at the Department, particularly the National Laboratories, or other federally-funded research and development center.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

(A) \$13,000,000 for fiscal year 2008;

(B) \$19,500,000 for fiscal year 2009;

(C) \$26,000,000 for fiscal year 2010; and

(D) \$32,500,000 for fiscal year 2011.

SEC. 2005. ADVANCED RESEARCH PROJECTS AUTHORITY-ENERGY.

(a) **DEFINITIONS.**—In this section:

(1) **ADVISORY BOARD.**—The term “Advisory Board” means the Advisory Board established under subsection (d).

(2) **AUTHORITY.**—The term “Authority” means the Advanced Research Projects Authority—Energy established under subsection (b).

(3) **DIRECTOR.**—The term “Director” means the Director of the Authority appointed under subsection (c)(1).

(4) **ENERGY TECHNOLOGY.**—The term “energy technology” means technology, including carbon-neutral technology, used for—

(A) fossil energy;

(B) carbon sequestration;

(C) nuclear energy;

(D) renewable energy;

(E) energy distribution; or

(F) energy efficiency technology.

(b) **ESTABLISHMENT.**—The Secretary shall establish an Advanced Research Projects Authority—Energy to overcome the long-term and high-risk technological barriers in the development of energy technologies.

(c) **DIRECTOR.**—

(1) **APPOINTMENT.**—The Secretary shall appoint a Director of the Authority.

(2) **QUALIFICATIONS.**—The Director shall be an individual who, by reason of professional background and experience, is especially qualified to advise the Secretary on matters pertaining to long-term, high-risk programs to overcome long-term and high-risk technological barriers to the development of energy technologies.

(3) **DUTIES.**—The Director shall—

(A) employ such qualified technical staff as are necessary to carry out the duties of the Authority, including providing staff for the Advisory Committee;

(B) serve as the selection official for proposals relating to energy technologies that are solicited within the Department;

(C) develop metrics to assist in developing funding criteria and for assessing the success of existing programs;

(D) terminate programs carried out under this section that are not achieving the goals of the programs; and

(E) perform such duties relating to long-term and high-risk technological barriers in the development of energy technologies as are determined to be appropriate by the Secretary.

(d) **ADVISORY BOARD.**—

(1) **APPOINTMENT.**—The Secretary shall, consistent with the Federal Advisory Committee Act (5 U.S.C. App.), establish, and appoint members to, an Advisory Board to make recommendations to the Secretary and the Director on actions necessary to carry out this section.

(2) **QUALIFICATIONS.**—The Advisory Board shall consist of individuals who, by reason of professional background and experience, are especially qualified to advise the Secretary and the Director on matters pertaining to long-term and high-risk technological barriers in the development of energy technologies.

(3) **TERM.**—A member of the Advisory Board shall be appointed for a term of 5 years.

(4) **INFORMATION.**—Each fiscal year, individuals who carry out energy technology programs of the Department and staff of the Authority shall provide to the Advisory Board written proposals and oral briefings on long-term and high-risk technological barriers that are critical to overcome for the successful development of energy technologies.

(5) **DUTIES.**—Each fiscal year, the Advisory Board shall—

(A) recommend to the Secretary and the Director—

(i) in order of priority, proposals of energy programs of the Department that are critical to overcoming long-term and high-risk technological barriers to enable the successful development of energy technologies; and

(ii) additional programs not covered in the proposals that are critical to overcoming the barriers described in clause (i); and

(B) based on the metrics described in subsection (c)(3)(C), make recommendations to the Secretary and the Director concerning whether programs funded under this section are achieving the goals of the programs.

(e) **REVIEW.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Sciences under which the Academy shall—

(1) conduct reviews during each of calendar years 2010 and 2012 to determine the success of the activities carried out under this section; and

(2) submit to Congress, the Secretary, and the Director a report describing the results of each review.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2011.

SEC. 2006. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF ENERGY FOR BASIC RESEARCH.

Section 971(b) of the Energy Policy Act of 2005 (42 U.S.C. 16311(b)) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3)—

(A) by striking “\$5,200,000,000” and inserting “\$4,800,000,000”; and

(B) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(4) \$4,945,000,000 for fiscal year 2010; and

“(5) \$5,265,000,000 for fiscal year 2011.”

SEC. 2007. DISCOVERY SCIENCE AND ENGINEERING INNOVATION INSTITUTES.

(a) **IN GENERAL.**—The Secretary shall establish distributed, multidisciplinary institutes (referred to in this section as “Institutes”) centered at National Laboratories to apply fundamental science and engineering discoveries to technological innovations related to the missions of the Department and the global competitiveness of the United States.

(b) **TOPICAL AREAS.**—The Institutes shall support scientific and engineering research and education activities on critical emerging

technologies determined by the Secretary to be essential to global competitiveness, including activities related to—

(1) sustainable energy technologies;

(2) multi-scale materials and processes;

(3) micro- and nano-engineering;

(4) computational and information engineering; and

(5) genomics and proteomics.

(c) **PARTNERSHIPS.**—In carrying out this section, the Secretary shall establish partnerships between the Institutes and—

(1) institutions of higher education to—

(A) train undergraduate and graduate engineering and science students;

(B) develop innovative educational curricula; and

(C) conduct research within the topical areas described in subsection (b);

(2) private industry to develop innovative technologies within the topical areas described in subsection (b);

(3) State and local governments to promote regionally-based commercialization and entrepreneurship; and

(4) financing entities to guide successful technology commercialization.

(d) **MERIT-BASED SELECTION.**—The selection of Institutes under this section shall be merit-based and made through an open, competitive selection process.

(e) **RESTRICTION.**—Not more than 3 Institutes shall receive grants for a fiscal year.

(f) **REVIEW.**—The Secretary shall enter into an agreement with the National Academy of Sciences under which the Academy shall, not later than 3 and 6 years after the date of enactment of this Act—

(1) review the performance of the Institutes under this section; and

(2) submit to Congress and the Secretary a report describing the results of the review.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out the activities of each Institute selected under this section \$10,000,000 for each of fiscal years 2008 through 2011.

SEC. 2008. PROTECTING AMERICA'S COMPETITIVE EDGE (PACE) GRADUATE FELLOWSHIP PROGRAM.

(a) **DEFINITION OF ELIGIBLE STUDENT.**—In this section, the term “eligible student” means a student who attends an institution of higher education that offers a doctoral degree in a field relevant to a mission area of the Department.

(b) **ESTABLISHMENT.**—The Secretary shall establish a graduate fellowship program for eligible students pursuing a doctoral degree in a mission area of the Department.

(c) **SELECTION.**—

(1) **IN GENERAL.**—The Secretary shall award fellowships to eligible students under this section through a competitive merit review process (involving written and oral interviews) that will result in a wide distribution of awards throughout the United States.

(2) **CRITERIA.**—The Secretary shall establish selection criteria for awarding fellowships under this section that require an eligible student to—

(A) pursue a field of science or engineering of importance to the mission area of the Department;

(B) rank in the upper 10 percent of the class of the eligible student;

(C) demonstrate to the Secretary—

(i) the capacity to understand technical topics related to the fellowship that can be derived from the first principles of the technical topics;

(ii) imagination and creativity;

(iii) leadership skills in organizations or intellectual endeavors, demonstrated through awards and past experience; and

(iv) excellent verbal and communication skills to explain, defend, and demonstrate an understanding of technical subjects related to the fellowship; and

(D) be a citizen or legal permanent resident of the United States.

(d) AWARDS.—

(1) AMOUNT.—A fellowship awarded under this section shall—

(A) provide an annual living stipend; and

(B) cover—

(i) graduate tuition at an institution of higher education; and

(ii) incidental expenses associated with curricula and research at the institution of higher education (including books, computers and software).

(2) DURATION.—A fellowship awarded under this section shall be for a period of not greater than 5 years.

(3) PORTABILITY.—A fellowship awarded under this section shall be portable with the fellow.

(e) ADMINISTRATION.—The Secretary (acting through the Director of Mathematics, Science, and Engineering Education)—

(1) shall administer the program established under this section; and,

(2) may enter into a contract with a non-profit entity to administer the program, including the selection and award of fellowships.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) FELLOWSHIPS.—There are authorized to be appropriated to award fellowships under this section—

(A) \$9,300,000 for 200 fellowships for fiscal year 2008;

(B) \$14,500,000 for 300 fellowships for fiscal year 2009 (including non-expiring fellowships for prior fiscal years);

(C) \$25,000,000 for 500 fellowships for fiscal year 2010 (including non-expiring fellowships for prior fiscal years); and

(D) \$35,500,000 for 700 fellowships for fiscal year 2011 (including non-expiring fellowships for prior fiscal years).

(2) ADMINISTRATION.—There are authorized to be appropriated for administrative expenses incurred in carrying out this section—

(A) \$1,000,000 for fiscal year 2008;

(B) \$1,500,000 for fiscal year 2009;

(C) \$2,500,000 for fiscal year 2010; and

(D) \$3,500,000 for fiscal year 2011.

SEC. 2009. TITLE IX COMPLIANCE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes actions taken by the Department of Energy to implement the recommendations in the report of the Government Accountability Office numbered 04-639.

(b) COMPLIANCE.—To comply with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Secretary of Energy shall annually conduct compliance reviews of at least 2 recipients of Department of Energy grants.

SEC. 2010. HIGH-RISK, HIGH-REWARD RESEARCH.

(a) DEFINITION OF HIGH-RISK, HIGH-REWARD RESEARCH.—In this section, the term “high-risk, high reward research” means research that—

(1) has the potential for yielding results with far-ranging implications;

(2) is too novel or spans too diverse a range of disciplines to fare well in the traditional peer review process; and

(3) is supportive of the missions of the sponsoring agency.

(b) ESTABLISHMENT OF GRANT PROGRAMS.—

(1) ENERGY GRANT PROGRAM.—The Secretary shall establish a grant program to encourage the conduct of high-risk, high-reward research at the Department.

(2) GEOLOGICAL GRANT PROGRAM.—The Director of the United States Geological Sur-

vey shall establish a grant program to encourage the conduct of high-risk, high-reward research at the United States Geological Survey.

SEC. 2011. DISTINGUISHED SCIENTIST PROGRAM.

(a) PURPOSE.—The purpose of this section is to promote scientific and academic excellence through collaborations between institutions of higher education and the National Laboratories.

(b) ESTABLISHMENT.—The Secretary shall establish a program to support the joint appointment of distinguished scientists by institutions of higher education and National Laboratories.

(c) QUALIFICATIONS.—Successful candidates under this section shall be persons who, by reason of professional background and experience, are able to bring international recognition to the appointing institution of higher education and National Laboratory in their field of scientific endeavor.

(d) SELECTION.—A distinguished scientist appointed under this section shall be selected through an open, competitive process.

(e) APPOINTMENT.—

(1) INSTITUTION OF HIGHER EDUCATION.—An appointment by an institution of higher education under this section shall be filled within the tenure allotment of the institution of higher education at a minimum rank of professor.

(2) NATIONAL LABORATORY.—An appointment by a National Laboratory under this section shall be at the rank of the highest grade of distinguished scientist or technical staff of the National Laboratory.

(f) DURATION.—An appointment under this section shall be for 6 years, consisting of 2 3-year funding allotments.

(g) USE OF FUNDS.—Funds made available under this section may be used for—

(1) the salary of the distinguished scientist and support staff;

(2) undergraduate, graduate, and post-doctoral appointments;

(3) research-related equipment;

(4) professional travel; and

(5) such other requirements as the Director determines are necessary to carry out the purpose of the program.

(h) REVIEW.—

(1) IN GENERAL.—The appointment of a distinguished scientist under this section shall be reviewed at the end of the first 3-year allotment for the distinguished scientist through an open peer-review process to determine whether the appointment is meeting the purpose of this section under subsection (a).

(2) FUNDING.—Funding of the appointment of the distinguished scientist for the second 3-year allotment shall be determined based on the review conducted under paragraph (1).

(i) COST SHARING.—To be eligible for assistance under this section, an appointing institution of higher education shall pay at least 50 percent of the total costs of the appointment.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) \$30,000,000 for fiscal year 2008 (to support up to 30 appointments under this section);

(2) \$60,000,000 for fiscal year 2009 (to support up to 60 such appointments); and

(3) \$100,000,000 for each of fiscal years 2010 and 2011 (to support up to 100 such appointments).

DIVISION C—EDUCATION

SEC. 3001. FINDINGS.

Congress makes the following findings:

(1) A well-educated population is essential to retaining America's competitiveness in the global economy.

(2) The United States needs to build on and expand the impact of existing programs by

taking additional, well-coordinated steps to ensure that all students are able to obtain the knowledge the students need to obtain postsecondary education and participate successfully in the workforce or the Armed Forces.

(3) The next steps must be informed by independent information on the effectiveness of current programs in science, technology, engineering, and mathematics education, and by identification of best practices that can be replicated.

(4) Teacher preparation and elementary school and secondary school programs and activities must be aligned with the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the requirements of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(5) The ever increasing knowledge and skill demands of the 21st century require that secondary school preparation and requirements be better aligned with the knowledge and skills needed to succeed in postsecondary education and the workforce, and States need better data systems to track educational achievement from prekindergarten through baccalaureate degrees.

SEC. 3002. DEFINITIONS.

(a) ESEA DEFINITIONS.—Unless otherwise specified in this division, the terms used in this division have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) OTHER DEFINITIONS.—In this division:

(1) CRITICAL FOREIGN LANGUAGE.—The term “critical foreign language” means a foreign language that the Secretary determines, in consultation with the heads of such Federal departments and agencies as the Secretary determines appropriate, is critical to the national security and economic competitiveness of the United States.

(2) SECRETARY.—The term “Secretary” means the Secretary of Education.

TITLE I—TEACHER ASSISTANCE

Subtitle A—Teachers for a Competitive Tomorrow

SEC. 3111. PURPOSE.

The purpose of this subtitle is—

(1) to develop and implement programs to provide integrated courses of study in mathematics, science, engineering, or critical foreign languages, and teacher education, that lead to a baccalaureate degree with concurrent teacher certification; and

(2) to develop and implement 2- or 3-year part-time master's degree programs in mathematics, science, or critical foreign language education for teachers in order to enhance the teachers' content knowledge and pedagogical skills.

SEC. 3112. DEFINITIONS.

In this subtitle:

(1) CHILDREN FROM LOW-INCOME FAMILIES.—The term “children from low-income families” means children described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)).

(2) ELIGIBLE RECIPIENT.—The term “eligible recipient” means an institution of higher education that receives grant funds under this subtitle on behalf of a department of mathematics, engineering, science, or critical foreign language for use in carrying out activities assisted under this subtitle.

(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term “high-need local educational agency” means a local educational agency or educational service agency—

(A)(i) that serves not fewer than 10,000 children from low-income families;

(ii) for which not less than 20 percent of the children served by the agency are children from low-income families; or

(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary; and

(B)(i) for which there is a high percentage of teachers providing instruction in academic subject areas or grade levels for which the teachers are not highly qualified; or

(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

(4) **HIGHLY QUALIFIED.**—The term “highly qualified” has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) and, with respect to special education teachers, in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(5) **PARTNERSHIP.**—The term “partnership” means a partnership that—

(A) shall include—

(i) an eligible recipient;

(ii) a department within the eligible recipient that provides a program of study in mathematics, engineering, science, or critical foreign languages;

(iii)(I) a school or department within the eligible recipient that provides a teacher preparation program; or

(II) a 2-year institution of higher education that has a teacher preparation offering or a dual enrollment program with the eligible recipient; and

(iv) not less than 1 high-need local educational agency and a public school or a consortium of public schools served by the agency; and

(B) may include a nonprofit organization that has the capacity to provide expertise or support to meet the purposes of this subtitle.

(6) **TEACHING SKILLS.**—The term “teaching skills” means the ability to—

(A) increase student achievement;

(B) effectively convey and explain academic subject matter;

(C) employ strategies that—

(i) are based on scientifically based research;

(ii) are specific to academic subject matter; and

(iii) focus on the identification of, and tailoring of academic instruction to, students' specific learning needs, particularly children with disabilities, students who are limited English proficient, and students who are gifted and talented;

(D) conduct ongoing assessment of student learning;

(E) effectively manage a classroom; and

(F) communicate and work with parents and guardians, and involve parents and guardians in their children's education.

SEC. 3113. PROGRAMS FOR BACCALAUREATE DEGREES IN MATHEMATICS, SCIENCE, ENGINEERING, OR CRITICAL FOREIGN LANGUAGES, WITH CONCURRENT TEACHER CERTIFICATION.

(a) **PROGRAM AUTHORIZED.**—From the amounts made available to carry out this section under section 3116(1) and not reserved under section 3115(d) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible recipients to enable partnerships served by the eligible recipients to develop and implement programs to provide courses of study in mathematics, science, engineering, or critical foreign languages that—

(1) are integrated with teacher education; and

(2) lead to a baccalaureate degree with concurrent teacher certification.

(b) **APPLICATION.**—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such

time and in such manner as the Secretary may require. Each application shall—

(1) describe the program for which assistance is sought;

(2) describe how a department of mathematics, science, engineering, or a critical foreign language participating in the partnership will ensure significant collaboration with a teacher preparation program in the development of undergraduate degrees in mathematics, science, engineering, or a critical foreign language, with concurrent teacher certification, including providing student teaching and other clinical classroom experiences;

(3) describe the high-quality research, laboratory, or internship experiences, integrated with coursework, that will be provided under the program;

(4) describe how members of groups that are underrepresented in the teaching of mathematics, science, or critical foreign languages will be encouraged to participate in the program;

(5) describe how program participants will be encouraged to teach in schools determined by the partnership to be most in need, and what assistance in finding employment in such schools will be provided;

(6) describe the ongoing activities and services that will be provided to graduates of the program;

(7) describe how the activities of the partnership will be coordinated with any activities funded through other Federal grants, and how the partnership will continue the activities assisted under the program when the grant period ends;

(8) describe how the partnership will assess the content knowledge and teaching skills of the program participants; and

(9) provide any other information the Secretary may reasonably require.

(c) **AUTHORIZED ACTIVITIES.**—

(1) **IN GENERAL.**—Each eligible recipient receiving a grant under this section shall use the grant funds to enable a partnership to develop and implement a program to provide courses of study in mathematics, science, engineering, or a critical foreign language that—

(A) are integrated with teacher education programs that promote effective teaching skills; and

(B) lead to a baccalaureate degree in mathematics, science, engineering, or a critical foreign language with concurrent teacher certification.

(2) **PROGRAM REQUIREMENTS.**—The program shall—

(A) provide high-quality research, laboratory, or internship experiences for program participants;

(B) provide student teaching or other clinical classroom experiences that—

(i) are integrated with coursework; and

(ii) lead to the participants' ability to demonstrate effective teaching skills;

(C) if implementing a program in which program participants are prepared to teach mathematics or science courses, include strategies for improving student literacy;

(D) encourage the participation of individuals who are members of groups that are underrepresented in the teaching of mathematics, science or critical foreign languages;

(E) encourage participants to teach in schools determined by the partnership to be most in need, and actively assist the participants in finding employment in such schools;

(F) offer training in the use of and integration of educational technology;

(G) collect data regarding and evaluate, using measurable objectives and benchmarks, the extent to which the program succeeded in—

(i) increasing the percentage of highly qualified mathematics, science, or critical

foreign language teachers, including increasing the percentage of such teachers teaching in those schools determined by the partnership to be most in need;

(ii) improving student academic achievement in mathematics and science;

(iii) increasing the number of students in secondary schools enrolled in upper level mathematics and science courses; and

(iv) increasing the numbers of elementary school, middle school, and secondary school students enrolled in and continuing in critical foreign language courses;

(H) collect data on the employment placement of all graduates of the program, including information on how many graduates are teaching and in what kinds of schools;

(I) provide ongoing activities and services to graduates of the program who teach elementary school, middle school, or secondary school, by—

(i) keeping the graduates informed of the latest developments in their respective academic fields; and

(ii) supporting the graduates of the program who are employed in schools in the local educational agency participating in the partnership during the initial years of teaching through—

(I) induction programs;

(II) promotion of effective teaching skills; and

(III) providing opportunities for regular professional development; and

(J) develop recommendations to improve the teacher preparation program participating in the partnership.

(d) **ANNUAL REPORT.**—Each eligible recipient receiving a grant under this section shall collect and report to the Secretary annually such information as the Secretary may reasonably require, including—

(1) the number of participants in the program;

(2) information on the academic majors of participating students;

(3) the race, gender, income, and disability status of program participants;

(4) the employment placement of program participants as teachers in schools determined by the partnership to be most in need;

(5) the extent to which the program succeeded in meeting the objectives and benchmarks described in subsection (c)(2)(G); and

(6) the data collected under subparagraphs (G) and (H) of subsection (c)(2).

(e) **TECHNICAL ASSISTANCE.**—From the funds made available under section 3116(1), the Secretary may provide technical assistance to an eligible recipient developing a baccalaureate degree program with concurrent teacher certification, including technical assistance provided through a grant or contract awarded on a competitive basis to an institution of higher education or a technical assistance center.

SEC. 3114. PROGRAMS FOR MASTER'S DEGREES IN MATHEMATICS, SCIENCE, OR CRITICAL FOREIGN LANGUAGES EDUCATION.

(a) **PROGRAM AUTHORIZED.**—From the amounts made available to carry out this section under section 3116(2) and not reserved under section 3115(d) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible recipients to enable the partnerships served by the eligible recipients to develop and implement 2- or 3-year part-time master's degree programs in mathematics, science, or critical foreign language education for teachers in order to enhance the teacher's content knowledge and teaching skills.

(b) **APPLICATION.**—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall describe—

(1) how a department of mathematics, science, or a critical foreign language will ensure significant collaboration with a teacher preparation program in the development of master's degree programs in mathematics, science, or a critical foreign language for teachers that enhance the teachers' content knowledge and teaching skills;

(2) the role of the local educational agency in the partnership in developing and administering the program and how feedback from the local educational agency, school, and participants will be used to improve the program;

(3) how the program will help increase the percentage of highly qualified mathematics, science, or critical foreign language teachers, including increasing the percentage of such teachers teaching in schools determined by the partnership to be most in need;

(4) how the program will—

(A) improve student academic achievement in mathematics and science and increase the number of students taking upper-level courses in such subjects; or

(B) increase the numbers of elementary school, middle school, and secondary school students enrolled and continuing in critical foreign language courses;

(5) how the program will prepare teachers to become more effective mathematics, science, or critical foreign language teachers;

(6) how the program will prepare teachers to assume leadership roles in their schools;

(7) how teachers who are members of groups that are underrepresented in the teaching of mathematics, science, or critical foreign languages and teachers from schools determined by the partnership to be most in need will be encouraged to apply for and participate in the program;

(8) the ongoing activities and services that will be provided to graduates of the program;

(9) how the partnership will continue the activities assisted under the grant when the grant period ends; and

(10) how the partnership will assess, during the program, the content knowledge and teaching skills of teachers participating in the program.

(c) **AUTHORIZED ACTIVITIES.**—Each eligible recipient receiving a grant under this section shall use the grant funds to develop and implement a 2- or 3-year part-time master's degree program in mathematics, science, or critical foreign language education for teachers in order to enhance the teachers' content knowledge and teaching skills. The program shall—

(1) promote effective teaching skills so the teachers participating in the program become more effective mathematics, science, or critical foreign language teachers;

(2) prepare teachers to assume leadership roles in their schools by participating in activities such as teacher mentoring, development of curricula that integrate state of the art applications of mathematics and science into the classroom, working with school administrators in establishing in-service professional development of teachers, and assisting in evaluating data and assessments to improve student academic achievement;

(3) use high-quality research, laboratory, or internship experiences for program participants that are integrated with coursework;

(4) provide student teaching or clinical classroom experience;

(5) if implementing a program in which participants are prepared to teach mathematics or science courses, provide strategies for improving student literacy;

(6) align the content knowledge in the master's degree program with challenging student academic achievement standards and challenging academic content standards es-

tablished by the State in which the program is conducted;

(7) encourage the participation of—

(A) individuals who are members of groups that are underrepresented in the teaching of mathematics, science, or critical foreign languages; and

(B) teachers teaching in schools determined by the partnership to be most in need;

(8) offer tuition assistance, based on need, as appropriate; and

(9) evaluate and report on the impact of the program, in accordance with subsection (d).

(d) **EVALUATION AND REPORT.**—Each eligible recipient receiving a grant under this section shall evaluate, using measurable objectives and benchmarks, and provide an annual report to the Secretary regarding, the extent to which the program assisted under this section succeeded in increasing the following:

(1) The number and percentage of mathematics, science, or critical foreign language teachers who have a master's degree and meet 1 or more of the following requirements:

(A) Are teaching in schools determined by the partnership to be most in need, and taught in such schools prior to participation in the program.

(B) Are teaching in schools determined by the partnership to be most in need, and did not teach in such schools prior to participation in the program.

(C) Are members of a group underrepresented in the teaching of mathematics, science, or a critical foreign language.

(2) The retention of teachers who participate in the program.

SEC. 3115. GENERAL PROVISIONS.

(a) **DURATION OF GRANTS.**—The Secretary shall award each grant under this subtitle for a period of not more than 5 years.

(b) **MATCHING REQUIREMENT.**—Each eligible recipient that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in kind) to carry out the activities supported by the grant.

(c) **SUPPLEMENT, NOT SUPPLANT.**—Grant funds provided under this subtitle shall be used to supplement, and not supplant, other Federal or State funds.

(d) **EVALUATION.**—From amounts made available for any fiscal year under section 3116, the Secretary shall reserve such sums as may be necessary—

(1) to provide for the conduct of an annual independent evaluation, by grant or by contract, of the activities assisted under this subtitle, which shall include an assessment of the impact of the activities on student academic achievement; and

(2) to prepare and submit an annual report on the results of the evaluation described in paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives.

SEC. 3116. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section \$210,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years, of which—

(1) 57.1 percent shall be available to carry out section 3113 for fiscal year 2008 and each succeeding fiscal year; and

(2) 42.9 percent shall be available to carry out section 3114 for fiscal year 2008 and each succeeding fiscal year.

Subtitle B—Advanced Placement and International Baccalaureate Programs

SEC. 3121. PURPOSE.

It is the purpose of this subtitle—

(1) to raise academic achievement through Advanced Placement and International Baccalaureate programs by increasing, by 70,000, over a 4-year period beginning in 2008, the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages;

(2) to increase, to 700,000 per year, the number of students attending high-need schools who—

(A) take and score a 3, 4, or 5 on an Advanced Placement examination in mathematics, science, or a critical foreign language administered by the College Board; or

(B) achieve a passing score on an examination administered by the International Baccalaureate Organization in such a subject;

(3) to increase the availability of, and enrollment in, Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools; and

(4) to support statewide efforts to increase the availability of, and enrollment in, Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools.

SEC. 3122. DEFINITIONS.

In this subtitle:

(1) **ADVANCED PLACEMENT OR INTERNATIONAL BACCALAUREATE COURSE.**—The term “Advanced Placement or International Baccalaureate course” means a course of college-level instruction provided to middle or secondary school students, terminating in an examination administered by the College Board or the International Baccalaureate Organization, or another such examination approved by the Secretary.

(2) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) a State educational agency;

(B) a local educational agency; or

(C) a partnership consisting of—

(i) a national, regional, or statewide nonprofit organization, with expertise and experience in providing Advanced Placement or International Baccalaureate services; and

(ii) a State educational agency or local educational agency.

(3) **LOW-INCOME STUDENT.**—The term “low-income student” has the meaning given the term “low-income individual” in section 1707(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)).

(4) **HIGH CONCENTRATION OF LOW-INCOME STUDENTS.**—The term “high concentration of low-income students” has the meaning given the term in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(2)).

(5) **HIGH-NEED LOCAL EDUCATIONAL AGENCY.**—The term “high-need local educational agency” means a local educational agency or educational service agency described in 3112(3)(A).

(6) **HIGH-NEED SCHOOL.**—The term “high-need school” means a middle school or secondary school—

(A) with a pervasive need for Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages, or for additional Advanced Placement or International Baccalaureate courses in such a subject; and

(B)(i) with a high concentration of low-income students; or

(ii) designated with a school locale code of 6, 7 or 8, as determined by the Secretary.

SEC. 3123. ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE PROGRAMS.

(a) **PROGRAM AUTHORIZED.**—From the amounts appropriated under subsection (1), the Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsection (g).

(b) **DURATION OF GRANTS.**—The Secretary may award grants under this section for a period of not more than 5 years.

(c) **COORDINATION.**—The Secretary shall coordinate the activities carried out under this section with the activities carried out under section 1705 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6535).

(d) **PRIORITY.**—In awarding grants under this section, the Secretary shall give priority to eligible entities that are part of a statewide strategy for increasing the availability of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools.

(e) **EQUITABLE DISTRIBUTION.**—The Secretary, to the extent practicable, shall—

(1) ensure an equitable geographic distribution of grants under this section among the States; and

(2) promote an increase in participation in Advanced Placement or International Baccalaureate mathematics, science, and critical foreign language courses and examinations in all States.

(f) **APPLICATION.**—

(1) **IN GENERAL.**—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) **CONTENTS.**—The application shall, at a minimum, include a description of—

(A) the goals and objectives for the project, including—

(i) increasing the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(ii) increasing the number of qualified teachers serving high-need schools who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages to students in the high-need schools;

(iii) increasing the number of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages that are available to students attending high-need schools; and

(iv) increasing the number of students attending a high-need school, particularly low-income students, who enroll in and pass—

(I) Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages; and

(II) pre-Advanced Placement or pre-International Baccalaureate courses in such a subject (where provided in accordance with subparagraph (B));

(B) how the eligible entity will ensure that students have access to courses, including pre-Advanced Placement and pre-International Baccalaureate courses, that will prepare the students to enroll and succeed in Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(C) how the eligible entity will provide professional development for teachers assisted under this section;

(D) how the eligible entity will ensure that teachers serving high-need schools are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(E) how the eligible entity will provide for the involvement of business and community organizations and other entities, including institutions of higher education, in the activities to be assisted; and

(F) how the eligible entity will use funds received under this section, including how the eligible entity will evaluate the success of its project.

(g) **AUTHORIZED ACTIVITIES.**—

(1) **IN GENERAL.**—Each eligible entity that receives a grant under this section shall use the grant funds to carry out activities designed to increase—

(A) the number of qualified teachers serving high-need schools who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages; and

(B) the number of students attending high-need schools who enroll in, and pass, the examinations for such Advanced Placement or International Baccalaureate courses.

(2) **PERMISSIVE ACTIVITIES.**—The activities described in paragraph (1) may include—

(A) teacher professional development, in order to expand the pool of teachers in the participating State, local educational agency, or high-need school who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(B) pre-Advanced Placement or pre-International Baccalaureate course development and professional development;

(C) coordination and articulation between grade levels to prepare students to enroll and succeed in Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(D) purchase of instructional materials;

(E) activities to increase the availability of, and participation in, online Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages;

(F) reimbursing low-income students attending high-need schools for part or all of the cost of Advanced Placement or International Baccalaureate examination fees;

(G) carrying out subsection (j), relating to collecting and reporting data;

(H) in the case of a State educational agency that receives a grant under this section, awarding subgrants to local educational agencies to enable the local educational agencies to carry out authorized activities described in subparagraphs (A) through (G); and

(I) providing salary increments or bonuses to teachers serving high-need schools who—

(i) become qualified to teach, and teach, Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language; or

(ii) increase the number of low-income students, who take Advanced Placement or International Baccalaureate examinations in mathematics, science, or a critical foreign language with the goal of successfully passing such examinations.

(h) **MATCHING REQUIREMENT.**—

(1) **IN GENERAL.**—Subject to paragraph (2), each eligible entity that receives a grant under this section shall provide, toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 200 percent of the amount of the grant, except that an eligible entity that is a high-need local educational agency shall

provide an amount equal to not more than 100 percent of the amount of the grant.

(2) **WAIVER.**—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity described in subparagraph (A) or (B) of section 3122(2), if the Secretary determines that applying the matching requirement to such eligible entity would result in serious hardship or an inability to carry out the authorized activities described in subsection (g).

(i) **SUPPLEMENT NOT SUPPLANT.**—Grant funds provided under this section shall be used to supplement, not supplant, other Federal and non-Federal funds available to carry out the activities described in subsection (g).

(j) **COLLECTING AND REPORTING REQUIREMENTS.**—

(1) **REPORT.**—Each eligible entity receiving a grant under this section shall collect and report to the Secretary annually such data on the results of the grant as the Secretary may reasonably require, including data regarding—

(A) the number of students enrolling in Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language, and pre-Advanced Placement or pre-International Baccalaureate courses in such a subject, and the distribution of grades those students receive;

(B) the number of students taking Advanced Placement or International Baccalaureate examinations in mathematics, science, or a critical foreign language, and the distribution of scores on those examinations;

(C) the number of teachers receiving training in teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language who will be teaching such courses in the next school year;

(D) the number of teachers becoming qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language; and

(E) the number of qualified teachers who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages to students in a high-need school.

(2) **REPORTING OF DATA.**—Each eligible entity receiving a grant under this section shall report data required under paragraph (1)—

(A) disaggregated by subject area;

(B) in the case of student data, disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)); and

(C) to the extent feasible, in a manner that allows comparison of conditions before, during, and after the project.

(k) **EVALUATION AND REPORT.**—From the amount made available for any fiscal year under subsection (1), the Secretary shall reserve such sums as may be necessary—

(1) to conduct an annual independent evaluation, by grant or by contract, of the program carried out under this section, which shall include an assessment of the impact of the program on student academic achievement; and

(2) to prepare and submit an annual report on the results of the evaluation described in paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives.

(l) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$58,000,000 for fiscal

year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

TITLE II—MATH NOW

SEC. 3201. MATH NOW FOR ELEMENTARY SCHOOL AND MIDDLE SCHOOL STUDENTS PROGRAM.

(a) PURPOSE.—The purpose of this section is to enable all students to reach or exceed grade-level academic achievement standards and to prepare the students to enroll in and pass algebra courses by—

(1) improving instruction in mathematics for students in kindergarten through grade 9 through the implementation of mathematics programs and the support of comprehensive mathematics initiatives that are based on the best available evidence of effectiveness; and

(2) providing targeted help to low-income students who are struggling with mathematics and whose achievement is significantly below grade level.

(b) DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In this section, the term “eligible local educational agency” means a high-need local educational agency (as defined in section 3112(3)) serving 1 or more schools—

(1) with significant numbers or percentages of students whose mathematics skills are below grade level;

(2) that are not making adequate yearly progress in mathematics under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); or

(3) in which students are receiving instruction in mathematics from teachers who do not have mathematical content knowledge or expertise in the teaching of mathematics.

(c) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From the amounts appropriated under subsection (k) for any fiscal year, the Secretary is authorized to award grants, on a competitive basis, for not more than 5 years, to State educational agencies to enable the State educational agencies to award grants to eligible local educational agencies to carry out the activities described in subsection (e).

(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications for projects that will implement statewide strategies for improving mathematics instruction and raising the mathematics achievement of students, particularly students in grades 4 through 8.

(d) STATE USES OF FUNDS.—

(1) IN GENERAL.—Each State educational agency that receives a grant under this section for a fiscal year—

(A) shall expend not more than a total of 10 percent of the grant funds to carry out the activities described in paragraphs (2) or (3) for the fiscal year; and

(B) shall use not less than 90 percent of the grant funds to award grants, on a competitive basis, to eligible local educational agencies to enable the eligible local educational agencies to carry out the activities described in subsection (e) for the fiscal year.

(2) MANDATORY USES OF FUNDS.—A State educational agency shall use the grant funds made available under paragraph (1)(A) to carry out each of the following activities:

(A) PLANNING AND ADMINISTRATION.—Planning and administration, including—

(i) evaluating applications from eligible local educational agencies using peer review teams described in subsection (f)(1)(D);

(ii) administering the distribution of grants to eligible local educational agencies; and

(iii) assessing and evaluating, on a regular basis, eligible local educational agency activities assisted under this section, with respect to whether the activities have been effective in increasing the number of children—

(I) making progress toward meeting grade-level mathematics achievement; and

(II) meeting or exceeding grade-level mathematics achievement.

(B) REPORTING.—Annually providing the Secretary with a report on the implementation of this section as described in subsection (i).

(3) PERMISSIVE USE OF FUNDS; TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—A State educational agency may use the grant funds made available under paragraph (1)(A) for 1 or more of the following technical assistance activities that assist an eligible local educational agency, upon request by the eligible local educational agency, in accomplishing the tasks required to design and implement a project under this section, including assistance in—

(i) selecting and implementing a program of mathematics instruction, or materials and interventions, based on the best available evidence of effectiveness;

(ii) evaluating and selecting diagnostic and classroom based instructional mathematics assessments; and

(iii) identifying eligible professional development providers to conduct the professional development activities described in subsection (e)(1)(B).

(B) GUIDANCE.—The technical assistance described in subparagraph (A) shall be guided by researchers with expertise in the pedagogy of mathematics, mathematicians, and mathematics educators from high-risk, high-achievement schools and eligible local educational agencies.

(e) LOCAL USES OF FUNDS.—

(1) MANDATORY USES OF FUNDS.—Each eligible local educational agency receiving a grant under this section shall use the grant funds to carry out each of the following activities:

(A) To implement mathematics instructional materials and interventions (including intensive and systematic instruction)—

(i) for students in the grades of a participating school as identified in the application submitted under subsection (f)(2)(A); and

(ii) that are based on the best available evidence of effectiveness.

(B) To provide professional development and instructional leadership activities for teachers and, if appropriate, for administrators and other school staff, on the implementation of comprehensive mathematics initiatives designed—

(i) to improve the achievement of students performing significantly below grade level;

(ii) to improve the mathematical content knowledge of the teachers, administrators, and other school staff;

(iii) to increase the use of effective instructional practices; and

(iv) to monitor student progress.

(C) To conduct continuous progress monitoring, which may include the adoption and use of assessments that—

(i) measure student progress and identify areas in which students need help in learning mathematics; and

(ii) reflect mathematics content that is consistent with State academic achievement standards in mathematics described in section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)).

(2) PERMISSIVE USES OF FUNDS.—An eligible local educational agency may use grant funds under this section to—

(A) adopt and use mathematics instructional materials and assessments;

(B) implement classroom-based assessments, including diagnostic or formative assessments;

(C) provide remedial coursework and interventions for students, which may be provided before or after school;

(D) provide small groups with individualized instruction in mathematics;

(E) conduct activities designed to improve the content knowledge and expertise of teachers, such as the use of a mathematics coach, enrichment activities, and interdisciplinary methods of mathematics instruction; and

(F) collect and report performance data.

(f) APPLICATIONS.—

(1) STATE EDUCATIONAL AGENCY.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall include—

(A) an assurance that the core mathematics instructional materials or program, supplemental instructional materials, and intervention programs used by the eligible local educational agencies for the project, are based on the best available evidence of effectiveness and are aligned with State academic achievement standards;

(B) an assurance that eligible local educational agencies will meet the requirements described in paragraph (2);

(C) an assurance that local applications will be evaluated using a peer review process; and

(D) a description of the qualifications of the peer review teams, which shall consist of—

(i) researchers with expertise in the pedagogy of mathematics;

(ii) mathematicians; and

(iii) mathematics educators serving high-risk, high-achievement schools and eligible local educational agencies.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—Each eligible local educational agency desiring a grant under this section shall submit an application to the State educational agency at such time and in such manner as the State educational agency may require. Each application shall include—

(A) an assurance that the eligible local educational agency will provide assistance to 1 or more schools that are—

(i) served by the eligible local educational agency; and

(ii) described in section 3201(b);

(B) a description of the grades kindergarten through grade 9, and of the schools, that will be served;

(C) information, on an aggregate basis, on each school to be served by the project, including such demographic, socioeconomic, and mathematics achievement data as the State educational agency may request;

(D) a description of the core mathematics instructional materials or program, supplemental instructional materials, and intervention programs or strategies that will be used for the project, including an assurance that the programs or strategies and materials are based on the best available evidence of effectiveness and are aligned with State academic achievement standards;

(E) a description of the activities that will be carried out under the grant, including a description of the professional development that will be provided to teachers, and, if appropriate, administrators and other school staff, and a description of how the activities will support achievement of the purpose of this section;

(F) an assurance that the eligible local educational agency will report to the State educational agency all data on student academic achievement that is necessary for the State educational agency's report under subsection (i);

(G) a description of the eligible entity's plans for evaluating the impact of professional development and leadership activities in mathematics on the content knowledge

and expertise of teachers, administrators, or other school staff; and

(H) any other information the State educational agency may reasonably require.

(g) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—

(1) IN GENERAL.—In implementing this section, the Secretary shall not—

(A) endorse, approve, or sanction any mathematics curriculum designed for use in any school; or

(B) engage in oversight, technical assistance, or activities that will require the adoption of a specific mathematics program or instructional materials by a State, local educational agency, or school.

(2) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to authorize or permit the Department of Education, or a Department of Education contractor, to mandate, direct, control, or suggest the selection of a mathematics curriculum, supplemental instructional materials, or program of instruction by a State, local educational agency, or school.

(h) MATCHING REQUIREMENTS.—

(1) STATE EDUCATIONAL AGENCY.—A State educational agency that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant, in cash or in kind, to carry out the activities supported by the grant, of which not more than 20 percent of such 50 percent may be provided by local educational agencies within the State.

(2) WAIVER.—The Secretary may waive all or a portion of the matching requirement described in paragraph (1) for any fiscal year, if the Secretary determines that—

(A) the application of the matching requirement will result in serious hardship for the State educational agency; or

(B) providing a waiver best serves the purpose of the program assisted under this section.

(i) PROGRAM PERFORMANCE AND ACCOUNTABILITY.—

(1) INFORMATION.—Each State educational agency receiving a grant under this section shall collect and report to the Secretary annually such information on the results of the grant as the Secretary may reasonably require, including information on—

(A) mathematics achievement data that show the progress of students participating in projects under this section (including, to the extent practicable, comparable data from students not participating in such projects), based primarily on the results of State, school district wide, or classroom-based, assessments, including—

(i) specific identification of those schools and eligible local educational agencies that report the largest gains in mathematics achievement; and

(ii) evidence on whether the State educational agency and eligible local educational agencies within the State have—

(I) significantly increased the number of students achieving at grade level or above in mathematics;

(II) significantly increased the percentages of students described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)) who are achieving at grade level or above in mathematics;

(III) significantly increased the number of students making significant progress toward meeting grade-level mathematics achievement standards; and

(IV) successfully implemented this section;

(B) the percentage of students in the schools served by the eligible local educational agency who enroll in algebra courses and the percentage of such students who pass algebra courses; and

(C) the progress made in increasing the quality and accessibility of professional development and leadership activities in mathematics, especially activities resulting in greater content knowledge and expertise of teachers, administrators, and other school staff, except that the Secretary shall not require such information until after the third year of a grant awarded under this section.

(2) REPORTING AND DISAGGREGATION.—The information required under paragraph (1) shall be—

(A) reported in a manner that allows for a comparison of aggregated score differentials of student academic achievement before (to the extent feasible) and after implementation of the project assisted under this section; and

(B) disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)).

(3) PRIVACY PROTECTION.—The data in the report shall be reported in a manner that—

(A) protects the privacy of individuals; and

(B) complies with the requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g).

(j) EVALUATION AND TECHNICAL ASSISTANCE.—

(1) EVALUATION.—

(A) IN GENERAL.—The Secretary shall conduct an annual independent evaluation, by grant or by contract, of the program assisted under this section, which shall include an assessment of the impact of the program on student academic achievement and teacher performance, and may use funds available to carry out this section to conduct the evaluation.

(B) REPORT.—The Secretary shall annually submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives, a report on the results of the evaluation.

(2) TECHNICAL ASSISTANCE.—The Secretary may use funds made available under paragraph (3) to provide technical assistance to prospective applicants and to eligible local educational agencies receiving a grant under this section.

(3) RESERVATION OF FUNDS.—The Secretary may reserve not more than 2.5 percent of funds appropriated under subsection (k) for a fiscal year to carry out this subsection.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$146,700,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

TITLE III—FOREIGN LANGUAGE PARTNERSHIP PROGRAM

SEC. 3301. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States faces a shortage of skilled professionals with higher levels of proficiency in foreign languages and area knowledge critical to the Nation's security.

(2) Given the Nation's economic competitiveness interests, it is crucial that our Nation expand the number of Americans who are able to function effectively in the environments in which critical foreign languages are spoken.

(3) Students' ability to become proficient in foreign languages can be addressed by starting language learning at a younger age and expanding opportunities for continuous foreign language education from elementary school through postsecondary education.

(b) PURPOSE.—The purpose of this title is to significantly increase—

(1) the opportunities to study critical foreign languages and the context in which the critical foreign languages are spoken; and

(2) the number of American students who achieve the highest level of proficiency in critical foreign languages.

SEC. 3302. DEFINITIONS.

In this title:

(1) ELIGIBLE RECIPIENT.—The term “eligible recipient” means an institution of higher education that receives grant funds under this title on behalf of a partnership for use in carrying out the activities assisted under this title.

(2) PARTNERSHIP.—The term “partnership” means a partnership that—

(A) shall include—

(i) an institution of higher education; and

(ii) 1 or more local educational agencies; and

(B) may include 1 or more entities that support the purposes of this title.

(3) SUPERIOR LEVEL OF PROFICIENCY.—The term “superior level of proficiency” means level 3, the professional working level, as measured by the Federal Interagency Language Roundtable (ILR) or by other generally recognized measures of superior standards.

SEC. 3303. PROGRAM AUTHORIZED.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants to eligible recipients to enable partnerships served by the eligible recipients to establish articulated programs of study in critical foreign languages that will enable students to advance successfully from elementary school through postsecondary education and achieve higher levels of proficiency in a critical foreign language.

(2) DURATION.—A grant awarded under paragraph (1) shall be for a period of not more than 5 years. A grant may be renewed for not more than 2 additional 5-year periods, if the Secretary determines that the partnership's program is effective and the renewal will best serve the purposes of this title.

(b) APPLICATIONS.—

(1) IN GENERAL.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) CONTENTS.—Each application shall—

(A) identify each local educational agency partner, including contact information and letters of commitment, and describe the responsibilities of each member of the partnership, including—

(i) how each of the partners will be involved in planning, developing, and implementing—

(I) program curriculum and materials; and

(II) teacher professional development;

(ii) what resources each of the partners will provide; and

(iii) how the partners will contribute to ensuring the continuity of student progress from elementary school through the postsecondary level;

(B) describe how an articulated curriculum for students will be developed and implemented, which may include the use and integration of technology into such curriculum;

(C) identify target proficiency levels for students at critical benchmarks (such as grades 4, 8, and 12), and describe how progress toward those proficiency levels will be assessed at the benchmarks, and how the program will use the results of the assessments to ensure continuous progress toward achieving a superior level of proficiency at the postsecondary level;

(D) describe how the partnership will—

(i) ensure that students from a program assisted under this title who are beginning

postsecondary education will be assessed and enabled to progress to a superior level of proficiency;

(ii) address the needs of students already at, or near, the superior level of proficiency, which may include diagnostic assessments for placement purposes, customized and individualized language learning opportunities, and experimental and interdisciplinary language learning; and

(iii) identify and describe how the partnership will work with institutions of higher education outside the partnership to provide participating students with multiple options for postsecondary education consistent with the purposes of this title;

(E) describe how the partnership will support and continue the program after the grant has expired, including how the partnership will seek support from other sources, such as State and local governments, foundations, and the private sector; and

(F) describe what assessments will be used or, if assessments not available, how assessments will be developed.

(c) **USES OF FUNDS.**—Grant funds awarded under this title—

(1) shall be used to develop and implement programs at the elementary school level through postsecondary education, consistent with the purpose of this title, including—

(A) the development of curriculum and instructional materials; and

(B) recruitment of students; and

(2) may be used for—

(A) teacher recruitment (including recruitment from other professions and recruitment of native-language speakers in the community) and professional development directly related to the purposes of this title at the elementary school through secondary school levels;

(B) development of appropriate assessments;

(C) opportunities for maximum language exposure for students in the program, such as the creation of immersion environments (such as language houses, language tables, immersion classrooms, and weekend and summer experiences) and special tutoring and academic support;

(D) dual language immersion programs;

(E) scholarships and study-abroad opportunities, related to the program, for postsecondary students and newly recruited teachers who have advanced levels of proficiency in a critical foreign language, except that not more than 20 percent of the grant funds provided to an eligible recipient under this section for a fiscal year may be used to carry out this subparagraph;

(F) activities to encourage community involvement to assist in meeting the purposes of this title;

(G) summer institutes for students and teachers;

(H) bridge programs that allow dual enrollment for secondary school students in institutions of higher education;

(I) programs that expand the understanding and knowledge of historic, geographic, and contextual factors within countries with populations who speak critical foreign languages, if such programs are carried out in conjunction with language instruction;

(J) research on, and evaluation of, the teaching of critical foreign languages;

(K) data collection and analysis regarding the results of—

(i) various student recruitment strategies;

(ii) program design; and

(iii) curricular approaches; and

(L) the impact of the strategies, program design, and curricular approaches described in subparagraph (K) on increasing—

(i) the number of students studying critical foreign languages; and

(ii) the proficiency of the students in the critical foreign languages.

(d) **MATCHING REQUIREMENT.**—

(1) **IN GENERAL.**—An eligible recipient that receives a grant under this title shall provide, toward the cost of carrying out the activities supported by the grant, from non-Federal sources, an amount equal to—

(A) 20 percent of the amount of the grant payment for the first fiscal year for which a grant payment is made;

(B) 30 percent of the amount of the grant payment for the second such fiscal year;

(C) 40 percent of the amount of the grant payment for the third such fiscal year; and

(D) 50 percent of the amount of the grant payment for each of the fourth and fifth such fiscal years.

(2) **NON-FEDERAL SHARE.**—The non-Federal share required under paragraph (1) may be provided in cash or in-kind.

(3) **WAIVER.**—The Secretary may waive all or part of the matching requirement of paragraph (1), for any fiscal year, if the Secretary determines that—

(A) the application of the matching requirement will result in serious hardship for the partnership; or

(B) the waiver will best serve the purposes of this title.

(e) **SUPPLEMENT NOT SUPPLANT.**—Grant funds provided under this title shall be used to supplement, not supplant, other Federal and non-Federal funds available to carry out the activities described in subsection (c).

(f) **TECHNICAL ASSISTANCE.**—The Secretary shall enter into a contract to establish a technical assistance center to provide technical assistance to partnerships developing critical foreign language programs assisted under this section. The center shall—

(1) assist the partnerships in the development of critical foreign language instructional materials and assessments; and

(2) disseminate promising foreign language instructional practices.

(g) **PROGRAM EVALUATION.**—

(1) **IN GENERAL.**—The Secretary may reserve not more than 5 percent of the total amount appropriated for this title for any fiscal year to annually evaluate the programs under this title.

(2) **REPORT.**—The Secretary shall prepare and annually submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives, a report on the results of any program evaluation conducted under this subsection.

SEC. 3304. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this title, there are authorized to be appropriated \$22,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

TITLE IV—ALIGNMENT OF EDUCATION PROGRAMS

SEC. 3401. ALIGNMENT OF SECONDARY SCHOOL GRADUATION REQUIREMENTS WITH THE DEMANDS OF 21ST CENTURY POSTSECONDARY ENDEAVORS AND SUPPORT FOR P-16 EDUCATION DATA SYSTEMS.

(a) **PURPOSE.**—It is the purpose of this section—

(1) to promote more accountability with respect to preparation for higher education, the 21st century workforce, and the Armed Forces, by aligning—

(A) student knowledge, student skills, State academic content standards and assessments, and curricula, in elementary and secondary education, especially with respect to mathematics, science, reading, and, where applicable, engineering and technology; with

(B) the demands of higher education, the 21st century workforce, and the Armed Forces;

(2) to support the establishment or improvement of statewide P-16 education data systems that—

(A) assist States in improving the rigor and quality of elementary and secondary education content knowledge requirements and assessments;

(B) ensure students are prepared to succeed in—

(i) academic credit-bearing coursework in higher education without the need for remediation;

(ii) the 21st century workforce; or

(iii) the Armed Forces; and

(3) enable States to have valid and reliable information to inform education policy and practice.

(b) **DEFINITIONS.**—In this section:

(1) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(2) **P-16 EDUCATION.**—The term “P-16 education” means the educational system from prekindergarten through the conferring of a baccalaureate degree.

(3) **STATEWIDE PARTNERSHIP.**—The term “statewide partnership” means a partnership that—

(A) shall include—

(i) the Governor of the State or the designee of the Governor;

(ii) the heads of the State systems for public higher education, or, if such a position does not exist, not less than 1 representative of a public degree-granting institution of higher education;

(iii) not less than 1 representative of a technical school;

(iv) not less than 1 representative of a public secondary school;

(v) the chief State school officer;

(vi) the chief executive officer of the State higher education coordinating board;

(vii) not less than 1 public elementary school teacher employed in the State;

(viii) not less than 1 public elementary school teacher certified in early childhood education;

(ix) not less than 1 public secondary school teacher employed in the State;

(x) not less than 1 representative of the business community in the State; and

(xi) not less than 1 member of the Armed Forces; and

(B) may include other individuals or representatives of other organizations, such as a school administrator, a faculty member at an institution of higher education, a member of a civic or community organization, a representative from a private institution of higher education, a dean or similar representative of a school of education at an institution of higher education or a similar teacher certification or licensure program, or the State official responsible for economic development.

(c) **GRANTS AUTHORIZED.**—The Secretary is authorized to award grants, on a competitive basis, to States to enable each such State to work with a statewide partnership—

(1) to promote better alignment of content knowledge requirements for secondary school graduation with the knowledge and skills needed to succeed in postsecondary education, the 21st century workforce, or the Armed Forces; or

(2) to establish or improve a statewide P-16 education data system.

(d) **PERIOD OF GRANTS; NON-RENEWABILITY.**—

(1) **GRANT PERIOD.**—The Secretary shall award a grant under this section for a period of not more than 3 years.

(2) NON-RENEWABILITY.—The Secretary shall not award a State more than 1 grant under this section.

(e) AUTHORIZED ACTIVITIES.—

(1) GRANTS FOR P-16 ALIGNMENT.—Each State receiving a grant under subsection (c)(1)—

(A) shall use the grant funds for—

(i) identifying and describing the content knowledge and skills students who enter institutions of higher education, the workforce, and the Armed Forces need to have in order to succeed without any remediation based on detailed requirements obtained from institutions of higher education, employers, and the Armed Forces;

(ii) identifying and making changes that need to be made to a State's secondary school graduation requirements, academic content standards, academic achievement standards, and assessments preceding graduation from secondary school in order to align the requirements, standards, and assessments with the knowledge and skills necessary for success in academic credit-bearing coursework in postsecondary education, in the 21st century workforce, and in the Armed Forces without the need for remediation;

(iii) convening stakeholders within the State and creating a forum for identifying and deliberating on education issues that—

(I) involve prekindergarten through grade 12 education, postsecondary education, the 21st century workforce, and the Armed Forces; and

(II) transcend any single system of education's ability to address; and

(iv) implementing activities designed to ensure the enrollment of all elementary school and secondary school students in rigorous coursework, which may include—

(I) specifying the courses and performance levels necessary for acceptance into institutions of higher education; and

(II) developing curricula and assessments aligned with State academic content standards, which assessments may be used as measures of student academic achievement in secondary school as well as for entrance or placement at institutions of higher education, including through collaboration with institutions of higher education in, or State educational agencies serving, other States; and

(B) may use the grant funds for—

(i) developing and making available specific opportunities for extensive professional development for teachers, paraprofessionals, principals, and school administrators, including collection and dissemination of effective teaching practices to improve instruction and instructional support mechanisms;

(ii) identifying changes in State academic content standards, academic achievement standards, and assessments for students in grades preceding secondary school in order to ensure the students are adequately prepared when the students enter secondary school;

(iii) developing a plan to provide remediation and additional learning opportunities for students who are performing below grade level to ensure that all students will have the opportunity to meet secondary school graduation requirements; or

(iv) identifying and addressing teacher certification needs.

(2) GRANTS FOR STATEWIDE P-16 EDUCATION DATA SYSTEMS.—

(A) ESTABLISHMENT OF SYSTEM.—Each State that receives a grant under subsection (c)(2) shall establish a statewide P-16 education longitudinal data system that—

(i) provides each student, upon enrollment in a public elementary school or secondary

school in the State, with a unique identifier, such as a bar code, that—

(I) does not permit a student to be individually identified by users of the system; and

(II) is retained throughout the student's enrollment in P-16 education in the State; and

(ii) meets the requirements of subparagraphs (B) through (E).

(B) IMPROVEMENT OF EXISTING SYSTEM.—Each State that receives a grant under subsection (c)(2) for the improvement of a statewide P-16 education data system may employ, coordinate, or revise an existing statewide data system to establish a statewide longitudinal P-16 education data system that meets the requirements of subparagraph (A), if the statewide longitudinal P-16 education data system produces valid and reliable data.

(C) DATA AND COMPLIANCE WITH FERPA.—The State, through the implementation of the statewide P-16 education data system, shall—

(i) ensure the implementation and use of valid and reliable secondary school dropout data; and

(ii) ensure that the statewide P-16 education data system meets the requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g).

(D) REQUIRED ELEMENTS OF A STATEWIDE P-16 EDUCATION DATA SYSTEM.—The State shall ensure that the statewide P-16 education data system includes the following elements:

(i) PREKINDERGARTEN THROUGH GRADE 12 EDUCATION AND POSTSECONDARY EDUCATION.—With respect to prekindergarten through grade 12 education and postsecondary education—

(I) a unique statewide student identifier that does not permit a student to be individually identified by users of the system;

(II) student-level enrollment, demographic, and program participation information;

(III) student-level information about the points at which students exit, transfer in, transfer out, drop out, or complete P-16 education programs;

(IV) the capacity to communicate with higher education data systems; and

(V) a State data audit system assessing data quality, validity, and reliability.

(ii) PREKINDERGARTEN THROUGH GRADE 12 EDUCATION.—With respect to prekindergarten through grade 12 education—

(I) yearly test records of individual students with respect to assessments under section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b));

(II) information on students not tested by grade and subject;

(III) a teacher identifier system with the ability to match teachers to students;

(IV) student-level transcript information, including information on courses completed and grades earned; and

(V) student-level college readiness test scores.

(iii) POSTSECONDARY EDUCATION.—With respect to postsecondary education, data that provide—

(I) information regarding the extent to which students transition successfully from secondary school to postsecondary education, including whether students enroll in remedial coursework; and

(II) other information determined necessary to address alignment and adequate preparation for success in postsecondary education.

(E) FUNCTIONS OF THE STATEWIDE P-16 EDUCATION DATA SYSTEM.—In implementing the statewide P-16 education data system, the State shall—

(i) identify factors that correlate to students' ability to successfully engage in and complete postsecondary-level general edu-

cation coursework without the need for prior developmental coursework;

(ii) identify factors to increase the percentage of low-income and minority students who are academically prepared to enter and successfully complete postsecondary-level general education coursework; and

(iii) use the data in the system to otherwise inform education policy and practice in order to better align student knowledge and skills, and curricula, with the demands of postsecondary education, the 21st century workforce, and the Armed Forces.

(f) APPLICATION.—

(1) IN GENERAL.—Each State desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) APPLICATION CONTENTS.—Each application submitted under this section shall specify whether the State application is for the conduct P-16 education alignment activities, or the establishment or improvement of a statewide P-16 education data system. The application shall include, at a minimum, the following:

(A) A description of the activities and programs to be carried out with the grant funds and a comprehensive plan for carrying out the activities.

(B) A description of how the concerns and interests of the larger education community, including parents, students, teachers, teacher educators, principals, and school administrators will be represented in carrying out the authorized activities described in subsection (e).

(C) in the case of a State applying for funding for P-16 education alignment, a description of how the State will provide assistance to local educational agencies in implementing rigorous State content knowledge requirements through substantive curricula and other changes the State determines necessary, including scientifically based remediation and acceleration opportunities for students.

(D) in the case of a State applying for funding to establish or improve a statewide P-16 education data system—

(i) a description of and the timetable for the establishment or improvement of such system; and

(ii) an assurance that the State will continue to fund the statewide P-16 education data system after the end of the grant period.

(g) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, other Federal, State, and local funds available to carry out the authorized activities described in subsection (e).

(h) MATCHING REQUIREMENT.—Each State that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, in cash or in kind, to carry out the activities supported by the grant.

(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require States to provide raw data to the Secretary.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$100,000,000 for fiscal year 2008 and such sums as may be necessary for fiscal year 2009.

DIVISION D—NATIONAL SCIENCE FOUNDATION

SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the National Science Foundation—

(1) \$6,808,000,000 for fiscal year 2008;

(2) \$7,433,000,000 for fiscal year 2009;

(3) \$8,446,000,000 for fiscal year 2010; and

(4) \$11,200,000,000 for fiscal year 2011.

(b) PLAN FOR INCREASED RESEARCH.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Science Foundation, in consultation with the National Science Board, shall submit a comprehensive, multiyear plan that describes how the funds authorized in subsection (a) would be used, if appropriated, to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Science of the House of Representatives.

(2) PLAN REQUIREMENTS.—The Director shall—

(A) develop the plan with a focus on strengthening the Nation's lead in physical science and technology, increasing overall workforce skills in physical science, technology, engineering, and mathematics at all levels, and strengthening innovation by expanding the focus of competitiveness and innovation policy at the regional and local level; and

(B) emphasize spending increased research funds appropriated pursuant to subsection (a) in areas of investment for Federal research and technology programs identified under section 1101(c) of this Act.

SEC. 4002. STRENGTHENING OF EDUCATION AND HUMAN RESOURCES DIRECTORATE THROUGH EQUITABLE DISTRIBUTION OF NEW FUNDS.

(a) PURPOSE.—The purpose of this section is to ensure the continued involvement of experts at the National Science Foundation in improving science, technology, engineering, and mathematics education at the elementary, secondary, and postsecondary school levels by providing annual funding increases for the education and human resources programs of the National Science Foundation that are proportional to the funding increases provided to the Foundation overall.

(b) EQUITABLE DISTRIBUTION OF NEW FUNDS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated for the education and human resources programs of the National Science Foundation, for each of the fiscal years 2008 through 2011, an amount equal to \$1,050,000,000 increased for each such fiscal year by an amount equal to the percentage increase in the appropriation for the National Science Foundation for such fiscal year above the amount appropriated to the National Science Foundation for fiscal year 2007.

SEC. 4003. GRADUATE FELLOWSHIPS AND GRADUATE TRAINEESHIPS.

(a) GRADUATE RESEARCH FELLOWSHIP PROGRAM.—

(1) IN GENERAL.—During the 5-year period beginning on the date of the enactment of this Act, the Director of the National Science Foundation shall expand the Graduate Research Fellowship Program of the National Science Foundation so that an additional 1,250 fellowships are awarded to citizens or nationals of the United States or eligible lawful permanent residents under the Program during that period.

(2) EXTENSION OF FELLOWSHIP PERIOD.—The Director is authorized to award fellowships under the Graduate Research Fellowship Program for a period of up to 5 years.

(3) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated, to provide an additional 250 fellowships under the Graduate Research Fellowship Program during each of the fiscal years 2008 through 2011, the following:

(A) \$24,000,000 for fiscal year 2008.

(B) \$36,000,000 for fiscal year 2009.

(C) \$48,000,000 for fiscal year 2010.

(D) \$60,000,000 for fiscal year 2011.

(b) INTEGRATIVE GRADUATE EDUCATION AND RESEARCH TRAINEESHIP PROGRAM.—

(1) IN GENERAL.—During the 5-year period beginning on the date of the enactment of this Act, the Director shall expand the Integrative Graduate Education and Research Traineeship program of the National Science Foundation so that an additional 1,250 individuals who are citizens or nationals of the United States or eligible lawful permanent residents are awarded grants under the program during that period.

(2) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated, to provide grants to an additional 250 individuals under the Integrative Graduate Education and Research Traineeship program during each of the fiscal years 2008 through 2011, the following:

(A) \$22,000,000 for fiscal year 2008.

(B) \$33,000,000 for fiscal year 2009.

(C) \$44,000,000 for fiscal year 2010.

(D) \$55,000,000 for fiscal year 2011.

(c) DEFINITION OF ELIGIBLE LAWFUL PERMANENT RESIDENT.—In this section, the term “eligible lawful permanent resident” means a lawful permanent resident of the United States who declares an intent—

(1) to apply for United States citizenship; or

(2) to reside in the United States for not less than 5 years after the completion of a graduate fellowship or traineeship awarded under this section.

SEC. 4004. PROFESSIONAL SCIENCE MASTER'S DEGREE PROGRAMS.

(a) CLEARINGHOUSE.—

(1) DEVELOPMENT.—The Director of the National Science Foundation shall establish a clearinghouse, in collaboration with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, to share program elements used in successful professional science master's degree programs and other advanced degree programs related to science, mathematics, technology, and engineering.

(2) AVAILABILITY.—The Director shall make the clearinghouse of program elements developed under paragraph (1) available to institutions of higher education that are developing professional science master's degree programs.

(b) PROGRAMS.—

(1) PROGRAMS AUTHORIZED.—The Director shall award grants to 4-year institutions of higher education to facilitate the institutions' creation or improvement of professional science master's degree programs.

(2) APPLICATION.—A 4-year institution of higher education desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director may require. The application shall include—

(A) a description of the professional science master's degree program that the institution of higher education will implement;

(B) the amount of funding from non-Federal sources, including from private industries, that the institution of higher education shall use to support the professional science master's degree program; and

(C) an assurance that the institution of higher education shall encourage students in the professional science master's degree program to apply for all forms of Federal assistance available to such students, including applicable graduate fellowships and student financial assistance under titles IV and VII of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq., 1133 et seq.).

(3) PREFERENCE FOR APPLICANTS WITH ALTERNATIVE FUNDING SOURCES.—The Director shall give preference in making awards to 4-year institutions of higher education seeking Federal funding to create or improve professional science master's degree programs, to those applicants that secure more than ⅓ of the funding for such professional science master's degree programs from sources other than the Federal Government.

(4) NUMBER OF GRANTS; TIME PERIOD OF GRANTS.—

(A) NUMBER OF GRANTS.—Subject to the availability of appropriated funds, the Director shall award grants under paragraph (1) to a maximum of 200 4-year institutions of higher education.

(B) TIME PERIOD OF GRANTS.—Grants awarded under this section shall be for one 3-year term. Grants may be renewed only once for a maximum of 2 additional years.

(5) EVALUATION AND REPORTS.—

(A) DEVELOPMENT OF PERFORMANCE BENCHMARKS.—Prior to the start of the grant program, the Director of the National Science Foundation, in collaboration with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, shall develop performance benchmarks to evaluate the pilot programs assisted by grants under this section.

(B) EVALUATION.—For each year of the grant period, the Director, in consultation with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, shall complete an evaluation of each program assisted by grants under this section. Any program that fails to satisfy the performance benchmarks developed under subparagraph (A) shall not be eligible for further funding.

(C) REPORT.—Not later than 180 days after the completion of an evaluation described in subparagraph (B), the Director shall submit a report to Congress that includes—

(i) the results of the evaluation described in subparagraph (B); and

(ii) recommendations for administrative and legislative action that could optimize the effectiveness of the pilot programs, as the Director determines to be appropriate.

(c) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term “institution of higher education” has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(d) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to carry out this section—

(1) \$15,000,000 for fiscal year 2008;

(2) \$18,000,000 for fiscal year 2009; and

(3) \$20,000,000 for each of the fiscal years 2010 and 2011.

SEC. 4005. INCREASED SUPPORT FOR SCIENCE EDUCATION THROUGH THE NATIONAL SCIENCE FOUNDATION.

(a) IN GENERAL.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to carry out the science, mathematics, engineering, and technology talent expansion program under section 8(7) of the National Science Foundation Authorization Act of 2002 (Public Law 107-368, 116 Stat. 3042)—

(1) \$40,000,000 for fiscal year 2008;

(2) \$45,000,000 for fiscal year 2009;

(3) \$50,000,000 for fiscal year 2010; and

(4) \$55,000,000 for fiscal year 2011.

(b) PROMOTING OUTREACH AND HIGH QUALITY.—Section 8(7)(C) of the National Science Foundation Authorization Act of 2002 (Public Law 107-368, 116 Stat. 3042) is amended—

(1) by redesignating clauses (i) through (vi) as subclauses (I) through (VI), respectively, and indenting appropriately;

(2) by striking “include those that promote high quality—” and inserting “include programs that—

“(i) promote high-quality—”;

(3) in clause (i) (as inserted by paragraph (2))—

(A) in subclause (III) (as redesignated by paragraph (1)), by striking “for students;” and inserting “for students, especially underrepresented minority and female mathematics, science, engineering, and technology students;”;

(B) in subclause (V) (as redesignated by paragraph (1)), by striking “and” after the semicolon;

(C) in subclause (VI) (as redesignated by paragraph (1)), by striking “students.” and inserting “students; and”;

(D) by adding at the end the following:

“(VII) outreach programs that provide middle and secondary school students and their science and math teachers opportunities to increase the students’ and teachers’ exposure to engineering and technology;”;

and

(4) by adding at the end the following:

“(ii) finance summer internships for mathematics, science, engineering, and technology undergraduate students;

“(iii) facilitate the hiring of additional mathematics, science, engineering, and technology faculty; and

“(iv) serve as bridges to enable underrepresented minority and female secondary school students to obtain extra mathematics, science, engineering, and technology training prior to entering an institution of higher education.”.

SEC. 4006. MEETING CRITICAL NATIONAL SCIENCE NEEDS.

(a) IN GENERAL.—In addition to any other criteria, the Director of the National Science Foundation shall include consideration of the degree to which awards and research activities that otherwise qualify for support by the National Science Foundation may assist in meeting critical national needs in innovation, competitiveness, the physical and natural sciences, technology, engineering, and mathematics.

(b) PRIORITY TREATMENT.—The Director shall give priority in the selection of awards and the allocation of National Science Foundation resources to proposed research activities, and grants funded under the National Science Foundation’s Research and Related Activities Account, that can be expected to make contributions in physical or natural science, technology, engineering, or mathematics, or that enhance competitiveness or innovation in the United States.

(c) LIMITATION.—Nothing in this section shall be construed to restrict or bias the grant selection process against funding other areas of research deemed by the National Science Foundation to be consistent with its mandate nor to change the core mission of the National Science Foundation.

SEC. 4007. REAFFIRMATION OF THE MERIT-REVIEW PROCESS OF THE NATIONAL SCIENCE FOUNDATION.

Nothing in this division or division A, or the amendments made by this division or division A, shall be interpreted to require or recommend that the National Science Foundation—

(1) alter or modify its merit-review system or peer-review process; or

(2) exclude the awarding of any proposal by means of the merit-review or peer-review process.

SEC. 4008. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Within the amounts authorized to be appropriated by section 4001, there are author-

ized to be appropriated to the National Science Foundation for the Experimental Program to Stimulate Competitive Research authorized under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g), for each of fiscal years 2008 through 2011, an amount equal to \$125,000,000 increased for each such year by an amount equal to the percentage increase in the appropriation for the National Science Foundation for such fiscal year above the total amount appropriated to the National Science Foundation for fiscal year 2007.

SEC. 4009. ENCOURAGING PARTICIPATION.

(a) MENTORING PROGRAM.—The Director of the National Science Foundation shall establish a program to recruit and provide mentors for women who are interested in careers in science, technology, engineering, and mathematics by pairing such women who are in science, technology, engineering, or mathematics programs of study in secondary school, community college, undergraduate or graduate school with mentors who are working in industry.

(b) ADDITIONAL LEARNING PROGRAM.—The Director shall also establish a program to provide grants to community colleges to provide additional learning and other appropriate training to allow women to enter higher-paying technical jobs in fields related to science, technology, engineering, or mathematics.

(c) APPLICATIONS.—An institution of higher education, including a community college, desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director may require.

(d) PROGRAM EVALUATION.—The Director shall establish metrics to evaluate the success of the programs established under subsections (a) and (b) annually and report the findings and conclusions of the evaluations annually to Congress.

SEC. 4010. CYBERINFRASTRUCTURE.

In order to continue and expand efforts to ensure that research institutions throughout the Nation can fully participate in research programs of the National Science Foundation and collaborate with colleagues throughout the nation, the Director of the National Science Foundation, within 180 days after the date of enactment of this Act, shall develop and publish a plan that describes the current status of broadband access for scientific research purposes in States located in EPSCoR-eligible jurisdictions and outlines actions which can be taken to ensure that such connections are available to enable participation in those National Science Foundation programs which rely heavily on high-speed networking and collaborations across institutions and regions.

SEC. 4011. FEDERAL INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH.

(a) ADVANCED INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH.—

(1) NATIONAL SCIENCE FOUNDATION INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH.—The Director of the National Science Foundation shall establish a program of basic research in advanced information and communications technologies focused on enhancing or facilitating the availability and affordability of advanced communications services to all people of the United States. In developing and carrying out the program, the Director shall consult with the Board established under paragraph (2).

(2) FEDERAL ADVANCED INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH BOARD.—There is established within the National Science Foundation a Federal Advanced Information and Communications

Technology Research Board (referred to in this subsection as “the Board”) which shall advise the Director of the National Science Foundation in carrying out the program authorized under paragraph (1). The Board shall be composed of individuals with expertise in information and communications technologies, including representatives from the National Telecommunications and Information Administration, the Federal Communications Commission, the National Institute of Standards and Technology, and the Department of Defense, and representatives from industry and educational institutions.

(3) GRANT PROGRAM.—The Director of the National Science Foundation, in consultation with the Board, shall award grants for basic research into advanced information and communications technologies that will contribute to enhancing or facilitating the availability and affordability of advanced communications services to all people of the United States. Areas of research to be supported through the grants include—

(A) affordable broadband access, including wireless technologies;

(B) network security and reliability;

(C) communications interoperability;

(D) networking protocols and architectures, including resilience to outages or attacks;

(E) trusted software;

(F) privacy;

(G) nanoelectronics for communications applications;

(H) low-power communications electronics;

(I) implementation of equitable access to national advanced fiber optic research and educational networks in noncontiguous States; and

(J) such other related areas as the Director, in consultation with the Board, finds appropriate.

(4) CENTERS.—The Director shall award multiyear grants, subject to the availability of appropriations, to institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), nonprofit research institutions affiliated with institutions of higher education, or consortia thereof to establish multidisciplinary Centers for Communications Research. The purpose of the Centers shall be to generate innovative approaches to problems in communications and information technology research, including the research areas described in paragraph (3). Institutions of higher education, nonprofit research institutions affiliated with institutions of higher education, or consortia receiving such grants may partner with 1 or more government laboratories or for-profit entities, or other institutions of higher education or nonprofit research institutions.

(5) APPLICATIONS.—The Director of the National Science Foundation, in consultation with the Board, shall establish criteria for the award of grants under paragraphs (3) and (4). Such grants shall be awarded under the programs on a merit-reviewed competitive basis. The Director shall give priority to grants that offer the potential for revolutionary rather than evolutionary breakthroughs.

(6) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) \$45,000,000 for fiscal year 2008;

(B) \$50,000,000 for fiscal year 2009;

(C) \$55,000,000 for fiscal year 2010; and

(D) \$60,000,000 for fiscal year 2011.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY RESPONSIBILITIES.—The Director of the National Institute of Standards and Technology shall continue to support research and support standards development in

advanced information and communications technologies focused on enhancing or facilitating the availability and affordability of advanced communications services to all people of the United States, in order to implement the Institute's responsibilities under section 2(c)(12) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)(12)). The Director shall support intramural research and cooperative research with institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) and industry.

SEC. 4012. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM.

(a) IN GENERAL.—Section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1) is amended—

(1) in the section heading, by inserting “TEACHER” after “NOYCE”;

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “to provide scholarships, stipends, and programming designed”;

(ii) by inserting “and to provide scholarships and stipends to students participating in the program” after “science teachers”; and

(iii) by inserting “Teacher” after “Noyce”;

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking “encourage top college juniors and seniors majoring in” and inserting “recruit and prepare undergraduate students to pursue degrees in”; and

(bb) by striking “to become” and inserting “and become qualified as”;

(II) in clause (ii)—

(aa) by striking “programs to help scholarship recipients” and inserting “academic courses and clinical teaching experiences designed to prepare students participating in the program”;

(bb) by striking “programs that will result in” and inserting “such preparation as is necessary to meet requirements for”; and

(cc) by striking “licensing; and” and inserting “licensing”;

(III) in clause (iii)—

(aa) by striking “scholarship recipients” and inserting “students participating in the program”;

(bb) by striking “enable the recipients” and inserting “enable the students”; and

(cc) by striking “; or” and inserting “; and”;

(IV) by adding at the end the following:

“(iv) providing summer internships for freshman and sophomore students participating in the program; or”;

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i)—

(aa) by striking “encourage” and inserting “recruit and prepare”; and

(bb) by inserting “qualified as” after “to become”;

(II) by striking clause (ii) and inserting the following:

“(ii) offering academic courses and clinical teaching experiences designed to prepare stipend recipients to teach in elementary schools and secondary schools, including such preparation as necessary to meet requirements for teacher certification or licensing”;

(C) by adding at the end the following:

“(4) ELIGIBILITY REQUIREMENT.—To be eligible for an award under this section, an institution of higher education (or a consortium of such institutions) shall ensure that specific faculty members and staff from the mathematics, science, or engineering department of the institution (or a participating institution of the consortium) and specific education faculty members of the institution (or such participating institution) are des-

ignated to carry out the development and implementation of the program. An institution of higher education (or consortium) may also include teachers to participate in developing the pedagogical content of the program and to supervise students participating in the program in their field teaching experiences. No institution of higher education (or consortium) shall be eligible for an award unless faculty from the institution's mathematics, science, or engineering department are active participants in the program.”;

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking “scholarship or stipend”;

(II) by inserting “and summer internships” after “number of scholarships”; and

(III) by inserting “the type of activities proposed for the recruitment of students to the program,” after “intends to award,”;

(ii) in subparagraph (B)—

(I) by striking “scholarship or stipend”; and

(II) by striking “; and” and inserting “, which may include a description of any existing programs at the applicant's institution that are targeted to the education of science and mathematics teachers and the number of teachers graduated annually from such programs”;

(iii) by striking subparagraph (C) and inserting the following:

“(C) a description of the academic courses and clinical teaching experiences required under subparagraph (A)(ii) or B(ii) of subsection (a)(3), including—

“(i) a description of the undergraduate program that will enable a student to graduate in 4 years with a major in mathematics, science, or engineering and to obtain teacher certification or licensing;

“(ii) a description of clinical teaching experiences proposed; and

“(iii) evidence of agreements between the applicant and the schools or school districts that are identified as the locations at which clinical teaching experiences will occur;

“(D) a description of the programs required under subparagraph (A)(iii) or B(iii) of subsection (a)(3), including activities to assist new teachers in fulfilling their service requirements under this section; and

“(E) an identification of the applicant's mathematics, science, or engineering faculty and its education faculty who will carry out the development and implementation of the program as required under subsection (a)(4).”;

(B) in paragraph (2)—

(i) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively; and

(ii) by inserting after subparagraph (A) the following:

“(B) the extent to which the applicant's mathematics, science, or engineering faculty and its education faculty have worked or will work collaboratively to design new or revised curricula that recognize the specialized pedagogy required to teach mathematics and science effectively in elementary schools and secondary schools”;

(4) in subsection (c)—

(A) in paragraph (3)—

(i) by striking “\$7,500” and inserting “\$10,000”;

(ii) by striking “of scholarship support” and inserting “of scholarship support, unless the Director establishes a policy by which part-time students may receive additional years of support”;

(B) in paragraph (4), by inserting “, with a maximum service requirement of 4 years” after “was received”;

(5) in subsection (d)—

(A) in paragraph (2), by inserting “and professional achievement” after “academic merit”; and

(B) in paragraph (4), by striking “for each year a stipend was received”;

(6) in subsection (g)—

(A) in paragraph (1), by inserting “or stipend” after scholarship; and

(B) by striking paragraph (2) and inserting the following:

“(2) REPAYMENT FOR FAILURE TO COMPLETE SERVICE.—

“(A) LESS THAN 1 YEAR OF SERVICE.—If a circumstance described in paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the sum of the total amount of awards received by the individual under this section shall be treated as a loan payable to the Federal Government, consistent with the provisions of part B or D of title IV of the Higher Education Act of 1965, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary of Education in regulations promulgated to carry out this paragraph.

“(B) 1 YEAR OR MORE OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, an amount equal to ½ of the sum of the total amount of awards received by the individual under this section shall be treated as a loan payable to the Federal Government, consistent with the provisions of part B or D of title IV of the Higher Education Act of 1965, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary of Education in regulations promulgated to carry out this paragraph.”;

(7) by redesignating subsection (i) as subsection (k);

(8) by inserting after subsection (h) the following:

“(i) SCIENCE AND MATHEMATICS SCHOLARSHIP GIFT FUND.—In accordance with section 11(f) of the National Science Foundation Act of 1950, the Director is authorized to accept donations from the private sector to supplement, but not supplant, scholarships, stipends, or internships associated with the programs under this section.

“(j) ASSESSMENT OF TEACHER RETENTION.—Not later than 4 years after the date of enactment of the America COMPETES Act, the Director shall transmit to Congress a report on the effectiveness of the program carried out under this section regarding the retention of participants in the teaching profession beyond the service obligation required under this section.”;

(9) in subsection (k) (as redesignated by paragraph (7))—

(A) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(B) by inserting after paragraph (1) the following:

“(2) the term ‘high-need local educational agency’ means a local educational agency or educational service agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)—

“(A)(i) that serves not less than 10,000 children from low-income families;

“(ii) for which not less than 20 percent of the children served by the agency are children from low-income families; or

“(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency, and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education; and

“(B)(i) for which there is a higher percentage of teachers providing instruction in academic subject areas or grade levels for which the teachers are not highly qualified; or

“(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure;” and

(C) in paragraph (4) (as redesignated by subparagraph (A)) by inserting “or had a career” after “is working”; and

(10) by adding at the end the following:

“(1) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—Within the amounts authorized to be appropriated by section 4001 of the America COMPETES Act and except as provided in paragraph (2), there are authorized to be appropriated to the Director for the Robert Noyce Teacher Scholarship Program under this section—

“(A) \$117,000,000 for fiscal year 2008, of which at least \$18,000,000 shall be used for capacity building activities described in clauses (ii) and (iii) of subsection (a)(3)(A) and clauses (ii) and (iii) of subsection (a)(3)(B);

“(B) \$130,000,000 for fiscal year 2009, of which at least \$21,000,000 shall be used for such capacity building activities;

“(C) \$148,000,000 for fiscal year 2010, of which at least \$24,000,000 shall be used for such capacity building activities; and

“(D) \$200,000,000 for fiscal year 2011, of which at least \$27,000,000 shall be used for such capacity building activities.

“(2) EXCEPTION.—For any fiscal year for which the funding allocated for activities under this section is less than \$105,000,000, the amount of funding available for capacity building activities described in subparagraphs (A) through (D) of paragraph (1) shall not exceed 15 percent of the allocated funds.”

(b) CONFORMING AMENDMENTS.—

(1) SECTION 4.—Section 4 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n note) is amended in the matter preceding paragraph (1) by striking “In this Act.” and inserting “Except as otherwise provided, in this Act.”

(2) SECTION 8.—Section 8(6) of the National Science Foundation Authorization Act of 2002 (Public Law 107-368) is amended—

(A) in the paragraph heading, by inserting “TEACHER” after “NOYCE”; and

(B) by inserting “Teacher” after “Noyce”.

SEC. 4013. SENSE OF THE SENATE REGARDING THE MATHEMATICS AND SCIENCE PARTNERSHIP PROGRAMS OF THE DEPARTMENT OF EDUCATION AND THE NATIONAL SCIENCE FOUNDATION.

It is the sense of the Senate that—

(1) although the mathematics and science education partnership program at the National Science Foundation and the mathematics and science partnership program at the Department of Education practically share the same name, the 2 programs are intended to be complementary, not duplicative;

(2) the National Science Foundation partnership programs are innovative, model reform initiatives that move promising ideas in education from research into practice to improve teacher quality, develop challenging curricula, and increase student achievement in mathematics and science, and Congress intends that the National Science Foundation peer-reviewed partnership programs found to be effective should be put into wider practice by dissemination through the Department of Education partnership programs; and

(3) the Director of the National Science Foundation and the Secretary of Education should have ongoing collaboration to ensure that the 2 components of this priority effort

for mathematics and science education continue to work in concert for the benefit of States and local practitioners nationwide.

SEC. 4014. NATIONAL SCIENCE FOUNDATION TEACHER INSTITUTES FOR THE 21ST CENTURY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to carry out the teacher institutes for the 21st century under paragraphs (3) and (7) of section 9(a) of the National Science Foundation Authorization Act of 2002 (as amended by subsection (b)) (42 U.S.C. 1862n(a))—

(1) \$84,000,000 for fiscal year 2008;

(2) \$94,000,000 for fiscal year 2009;

(3) \$106,000,000 for fiscal year 2010; and

(4) \$140,000,000 for fiscal year 2011.

(b) TEACHER INSTITUTES FOR THE 21ST CENTURY.—Section 9(a) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n(a)) is amended—

(1) in paragraph (3)(B), by striking “summer or” and inserting “teacher institutes for the 21st century, as described in paragraph (7);”;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

“(7) TEACHER INSTITUTES FOR THE 21ST CENTURY.—

“(A) IN GENERAL.—Teacher institutes for the 21st century carried out in accordance with paragraph (3)(B) shall—

“(i) be carried out in conjunction with a school served by the local educational agency in the partnership;

“(ii) be science, technology, engineering, and mathematics focused institutes that provide professional development to elementary school and secondary school teachers during the summer;

“(iii) serve teachers who are considered highly qualified (as defined in section 9101 of the Elementary and Secondary Education Act of 1965), teach high-need subjects, and teach in high-need schools (as described in section 1114(a)(1) of the Elementary and Secondary Education Act of 1965);

“(iv) focus on the theme and structure developed by the Director under subparagraph (C);

“(v) be content-based and build on school year curricula that are experiment-oriented, content-based, and grounded in current research;

“(vi) ensure that the pedagogy component is designed around specific strategies that are relevant to teaching the subject and content on which teachers are being trained, which may include training teachers in the essential components of reading instruction for adolescents in order to improve student reading skills within the subject areas of science, technology, engineering, and mathematics;

“(vii) be a multiyear program that is conducted for a period of not less than 2 weeks per year;

“(viii) provide for direct interaction between participants in and faculty of the teacher institute;

“(ix) have a component that includes the use of the Internet;

“(x) provide for followup training in the classroom during the academic year for a period of not less than 3 days, which may or may not be consecutive, for participants in the teacher institute, except that for teachers in rural local educational agencies, the followup training may be provided through the Internet;

“(xi) provide teachers participating in the teacher institute with travel expense reimbursement and classroom materials related

to the teacher institute, and may include providing stipends as necessary; and

“(xii) establish a mechanism to provide supplemental support during the academic year for teacher institute participants to apply the knowledge and skills gained at the teacher institute.

“(B) OPTIONAL MEMBERS OF THE PARTNERSHIP.—In addition to the partnership requirement under paragraph (2), an institution of higher education or eligible nonprofit organization (or consortium) desiring a grant for a teacher institute for the 21st century may also partner with a teacher organization, museum, or educational partnership organization.

“(C) THEME AND STRUCTURE.—Each year, not later than 180 days before the application deadline for a grant under this section, the Director shall, in consultation with a broad group of relevant education organizations, develop a theme and structure for the teacher institutes of the 21st century supported under paragraph (3)(B).”

Mr. INOUE. Mr. President, innovation and economic competitiveness have emerged as top priorities for this country. A number of reports have detailed the Nation's need to address our investment in education and science. The Augustine Commission's “Rising Above the Gathering Storm” is often cited as the clarion call to action.

As Chairman of the Senate Committee on Commerce, Science, and Transportation, I am proud to join my colleagues from the Energy and Health, Education, Labor, and Pensions Committees in introducing the America COMPETES Act. This bill was produced in a bipartisan manner that brought together these three Senate committees.

The Commerce Committee plays a critical role in ensuring this country's economic and commercial health. We have expertise that touches industries ranging from telecommunications to transportation; from the safety of the home to the security of the homeland; and from marine containers to marine mammals. We have brought this broad perspective in our efforts to improve the country's investment in the vital components that make us successful.

At the heart of this investment is education. Education is the foundation upon which scientific research and discoveries are made. This bill uses educational programs to inspire students from kindergarten through graduate school to pursue math and science. It also ensures that the Nation's enterprise research is well funded and focused on the needs of the Nation.

This bill would double funding for the National Science Foundation (NSF) and significantly increase funding for the National Institute of Standards and Technology (NIST). We were also able to include several provisions related to ocean and atmospheric research and education. The ocean truly is the last frontier on Earth, and ocean research and technology may have broad implications for improving health and understanding our environment.

It is vital that we recognize the importance of our oceans. The U.S. Commission on Ocean Policy recommended

a number of ways to improve ocean education, basic research, and technological innovation. We need to follow through on these recommendations in order to provide young people with the opportunity to use a readily available resource for learning and inspiration.

This bill is a critical first step in this country's journey to answering the challenges that lay ahead. We must make the necessary investments today to realize the returns in the near future. I support this legislation and look forward to its thorough consideration before the Senate.

Mr. KENNEDY. Mr. President, families across America are facing serious challenges in today's global economy. The value of their wages is declining, the cost of living is going up, and many of their jobs are being shipped overseas.

We must respond to this challenge to ensure that our citizens can still achieve the American dream. We have the best workers in the world, and we must prepare them to compete and succeed in the global economy.

America has long been at the forefront in innovation, invention, and education. But other countries are catching up and surpassing us.

America's 15 year olds scored below average in math and science literacy compared to the youth of other developed nations on the most recent international assessment by the Programme for International Student Assessment.

We are losing ground in overall high school and college graduation rates. The U.S. has dropped below the average graduation rate for OECD countries. Out of 24 nations, the U.S. ranks 14th, just ahead of Portugal.

Since 1975, the U.S. has dropped from 3rd to 15th place in the production of scientists and engineers.

Federal investment in research and development is essential to keep us competitive, but federal dollars have been shrinking as a share of the economy. Funding for government research programs has fallen in real terms and is less than in 2004.

At the same time, fast-growing economies such as China, Ireland, and South Korea are realizing the potential for economic growth that comes with investing in innovation. China's investment in research and development rose from \$12.4 billion in 1991 to \$84.6 billion in 2003, an average increase of 17 percent a year. Over the same period, the increase in U.S. investment averaged only 4 to 5 percent annually.

Study after study tells us that we need major new investments in education and in research and development to stay ahead. We cannot just tinker at the margins and expect to retain our leadership in the global economy. We have a responsibility to make the investments that are necessary to our progress—a responsibility to our people, our economy, our nation, and our national security.

Last year, the Council on Competitiveness urged a focus on lifelong skill

development—through elementary, secondary and higher education, and workforce training and support, as essential to keeping America on the cutting edge of innovation.

The recent report by the National Academy of Sciences, "Rising Above the Gathering Storm," emphasized these recommendations. Two of the report's four major recommendations involved education as the solution to meeting the global challenge. The report set out a broad roadmap for keeping America competitive, but it prioritized investment in education over all other recommendations.

The National Association of Manufacturers has also issued a report urging renewed focus on education and training to keep American businesses competitive.

Last week, the National Governors Association released its "Innovation America" plan, which outlines opportunities for Federal investment to help spur innovation in the states. Here again, improving education and access to high quality job training take center stage.

It is clear that we must act, and today we are taking a step toward putting America back on the right track.

I am pleased to join a number of my colleagues today in reintroducing the "America COMPETES Act," or the "America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act." The bill is identical to legislation we introduced last year, but the need for action is even more important today to keep America competitive in the years to come.

The legislation responds to many of the recommendations in the "Gathering Storm" and other recent reports; it takes important steps to encourage innovation in America as a way to create jobs and move our economy forward. Often, as we know, it is federally funded research that primes the pump for technological, medical and scientific breakthroughs. The bill will double basic research funding by the National Science Foundation by 2011. It also puts us on a strong course to doubling basic research funding by the Department of Energy.

In addition, the legislation creates a President's Council on Innovation and Competitiveness, based on successful models being used in established and emerging economies in Europe and Asia. The Council will bring together the heads of federal agencies with leaders in business and academia to develop a comprehensive agenda to promote innovation. Japan for some time has had a similar council, and Ireland—the Celtic Tiger—has already had extraordinary success in expanding its R&D strength since it established its council two years ago.

The bill also strengthens programs at college and universities to encourage renewed interest in nuclear science. Massachusetts has long been a leader in nuclear research. There are fewer

than three dozen licensed research reactors in the United States, and three of them are located at Massachusetts universities—University of Massachusetts Lowell, Worcester Polytechnic Institute, and MIT. These colleges will have a vital role as nuclear science expands, and this bill will help expand their programs and establish new ones to meet the growing demand.

We must also make the research and development tax credit permanent. The incentive provided by the credit has led to quality jobs, better and safer products, greater productivity and a stronger and more robust national economy. A growing number of countries recognize the importance of research and development spending to future economic growth, and they now offer more generous R&D tax incentives than the United States. The top 6 pharmaceutical companies, and American high tech companies like Microsoft, Intel and GE have all opened advanced R&D facilities in India. We must give American companies the certainty that our tax incentives will continue year after year and will not expire, so that they can choose to maintain these high-skilled jobs here at home, to keep America at the cutting edge as a leader in innovation in the global economy.

R&D investments also depend on a talented pool of well-trained individuals who can make discoveries and scientific breakthroughs. Jobs in science and engineering are expected to increase 70 percent faster than those in other fields over the next 6 years.

To ensure that Americans are well-trained for these jobs, we must improve education at all levels—from the very early years in a child's life all the way through doctoral study and beyond—especially in math, science, engineering and technology.

International comparisons of student achievement show that the United States is slipping behind other countries, but detailed analysis shows that the picture is more complex. The real problem lies in the serious and pervasive achievement gap in this country between higher income students and lower income students and between white students and students of color.

On the most recent test comparing student achievement in industrial nations, white students in the United States performed better than the average for all countries in both math literacy and problem-solving, while their Hispanic and African American peers did worse. Low-income students in the U.S. performed worse than their high-income peers, and also performed worse than other low-income students in over half of the developed countries surveyed.

If we can close this achievement gap, and guarantee all children in this country a world-class education, we can put America back at the top of the list. To do so, we need to renew and improve upon the important reforms in the No Child Left Behind Act this year. As we

do so, we must make a strong commitment to adequately fund those reforms.

We must also invest in teachers. Research shows that having a high quality teacher for five years in a row can overcome the average 7th grade mathematics achievement gap between lower income and higher income children.

But almost half of math classes taught in high poverty and high minority schools are taught by teachers without a college major or minor in math or a related field. The problem is even more serious in middle schools—70 percent of math classes in these schools are taught by a teacher who doesn't even have a minor in math.

Our bill recognizes and responds to the critical need to recruit and train high quality math, science, technology and engineering teachers to teach in schools with the greatest need, so that we can begin to close the achievement gap and ensure that all American students can compete on a level playing field with their peers in other nations.

The bill provides a 10-fold increase in the Robert Noyce Teacher Scholarship Program at the National Science Foundation to recruit math, science, engineering and technology students and professionals to become teachers in high-need school districts.

It provides grants to institutions of higher education to create undergraduate programs that integrate the study of math, science, engineering, or critical need foreign language with teacher education, modeled on the successful U-Teach program at the University of Texas. It also helps institutions create part-time master's degree programs to improve the content knowledge and teaching skills of current teachers. In both of these programs, universities would partner with high-need school districts to ensure that these resources go where they are needed most.

The bill expands the Teacher Institutes for the 21st Century Program at the National Science Foundation to provide cutting-edge summer professional development programs for teachers who teach in high-need schools. It also creates a summer institute program in the Department of Energy to strengthen the math and science teaching skills of elementary and secondary school teachers.

Recruitment and training of good teachers are important, but so is retention of good teachers. Each year, over 200,000 teachers leave the profession—6 percent of the teaching workforce. High attrition rates mean that one of every two teachers hired will completely drop out of teaching within 5 years—just when they have gained the experience needed to consistently improve student achievement.

To be successful in closing the achievement gap, we must also do more to see that teachers have an incentive to stay in their classrooms once they are there.

We should provide financial incentives—through fellowships or salary in-

creases—to teachers who commit to teach in the highest need schools, where the unique challenges make the schools the hardest to staff. I look forward to working with my colleagues as the bill moves forward to add this critical component to the effort.

In addition to providing a high quality teacher in every classroom, we must also ensure that children in low-income school districts have access to the same college preparatory classes that more affluent school districts are able to provide—and, importantly, that they have the preparation they need to succeed in those classes. To do so, the bill expands access to Advanced Placement and International Baccalaureate classes as well as pre-AP and pre-IB courses, especially in high need schools, and creates a program to improve instruction in math for elementary and middle school students and provide targeted help to students struggling with the subject.

The bill also addresses the critical need to ensure our education system is preparing students for the challenges they will face after graduation from high school.

According to recent research, the nation loses over \$3.7 billion a year in the cost of remedial education and lost earning potential because students are not adequately prepared to enter college when they leave high school.

For students directly entering the workforce, 60 percent of employers in a survey conducted by the National Association of Manufacturers said that a high school diploma did not adequately prepare a typical student with even basic skills to qualify for an entry level job.

Many states have recognized the need to better align elementary and secondary school standards, curricula, and assessments with the demands of college, the 21st century workforce and the Armed Forces. Our bill provides grants to assist states in those efforts. The grants would support state P-16 councils that bring together leaders in the early education, K-12, and higher education communities, in the business sector, and in the military to improve the rigor of elementary and secondary education and prepare students for the postsecondary challenges they will face.

These provisions will help spur the development of more rigorous standards, as well as innovative curricula that engage our children in learning and inspire a new generation of scientists and engineers. It will assist states in the work they are doing to create new disciplines in engineering and technology at the elementary school level to teach students the practical applications of math and science. The National Center for Technological Literacy at the Museum of Science in Boston is at the forefront of these efforts.

In addition to the education programs at the Department of Education and the National Science Foundation,

the legislation relies on the resources of the Department of Energy to assist in the effort to improve math and science education. The National Labs at the Department of Energy can have a critical role in these efforts, and so can the more than 300 colleges and universities across the country conducting research supported by the Department of Energy. I appreciate my colleagues' efforts to ensure that the resources of the Department of Energy are used to enhance educational opportunities for children not only in the states that host National Labs, but across the country.

It is also becoming increasingly important for students to become exposed to and immersed in critical foreign languages and cultures. In recent years, foreign language needs have significantly increased throughout the public and private sector due to the presence of a wider range of security threats, the emergence of new nation states, and the globalization of the U.S. economy.

Currently, the U.S. government uses tens of thousands of employees with foreign language skills in 100 languages and more than 80 Federal agencies. In addition, American businesses increasingly need employees experienced in foreign languages and international cultures to manage a culturally diverse workforce.

For students to become proficient in these critical foreign languages, they must have access to a sustained course of study, beginning in the early grades.

But currently, only one-third of students in grades 7-12 and a mere 5 percent of elementary school students study a foreign language.

Even fewer study critical need foreign languages. Only about 24,000 of approximately 54 million elementary and secondary school children in the United States are studying Chinese. In contrast, more than 200 million children in China study English—a compulsory subject for all Chinese primary school students.

The bill begins to address these needs by providing grants to institutions of higher education and local educational agencies to work in partnerships to create programs of study in critical foreign languages for students from elementary school through postsecondary education.

These programs and investments will help prepare our students to compete in the 21st century, but if we are serious about keeping America competitive, there is still more we can—and must—do.

A college degree is fast becoming the price of admission to participation in the global economy. Today, over 60 percent of jobs require some postsecondary training, and the number is rising rapidly. Such jobs bring higher pay as well. A recent study by the Organisation for Economic Co-operation and Development shows that in the United States, earnings of people with a post-secondary degree are 72

percent higher on average than those with only a high school diploma.

But with soaring costs and stagnant financial aid, college is increasingly out of reach for students and families. Research shows that 400,000 students a year do not go to a four-year college because they cannot afford it. 170,000 do not go to college at all.

When our troops returned home from World War II, we created the GI Bill and sent them to college to learn the skills they would need in the changing world. The pay off to the nation was immense. The economy reaped an estimated \$7 in benefit for every dollar invested in that effort.

In recent decades however, federal grant aid has dwindled and the grants don't go as far as they used to. Thirty years ago, seventy-seven percent of the federal assistance provided to students was in the form of grants, but in recent years the number has dropped to twenty percent.

With college costs skyrocketing, the value of the Pell Grant has not kept pace. To ensure the prosperity of our families and the nation, we must open the doors of college to all by restoring the Pell Grant as the foundation of the student aid system.

Last year, Congress squandered an opportunity to significantly increase aid for low income students. The Senate passed a bill that would have immediately increased the Pell grant from \$4,050 to \$4,500. But this increase was rejected, and the funds were used instead to pay for tax giveaways for the wealthiest Americans.

Last month, under the new Democratic leadership, Congress made a strong down payment to help low-income families afford college by raising the maximum Pell grant for the first time since 2003 from \$4,050 to \$4,310.

I know many of my colleagues on both sides of the aisle agree that higher education is the key to keeping America competitive, and I look forward to working with them to build on this down payment as we reauthorize the Higher Education Act this year to ensure that the cost of college is not a barrier to full participation in the new economy.

We need to reform the federal student aid system to redirect excessive lender subsidies into additional help and support for students and families, including increased need-based aid, making student loans more manageable, and providing loan forgiveness for individuals in public sector careers.

We must also do more to address the devastating impacts of the global economy on American workers and their families.

Our workers are facing global competition that is often fundamentally unfair, but this bill does nothing to level the playing field or to help ease the burden of their transition to the global economy. To truly improve our national competitiveness, we must address all aspects of this challenge. We cannot continue to ignore the plight of working Americans.

First, we need to level the playing field in the competition for good jobs. Americans have nothing to fear from competition that's fair. But it's not fair when Americans are competing with foreign workers who lack basic protections such as child labor laws, a minimum wage, or the right to organize. It's not fair when U.S. companies cut costs by exploiting and abusing foreign workers.

We need to exercise global leadership in promoting fair wages and safe working conditions for workers around the world, reward companies that treat their foreign workforces fairly, and be a strong voice in sanctioning those countries that will not play by the rules.

Beyond these basic steps to level the playing field, we owe a particular duty to American workers who are losing their jobs because of trade. We all benefit from the lower prices and variety of products that globalization provides, but many of our most vulnerable workers are paying the price. We've lost nearly 3 million manufacturing jobs since 2001, and service sector jobs are now moving overseas as well. These are good, middle-class jobs, with decent wages and benefits that form the core of the American middle class.

Our response to globalization must address the disappearance of good jobs. We must create the good jobs of the future. We must eliminate tax incentives for companies to ship jobs overseas. We must give fair warning to workers who are at risk of losing their jobs to overseas competition, so that they can plan for their futures. We must strengthen our commitment to help workers who lose their jobs to adjust to the new economy, with well-funded training and income assistance programs that ease the transition to new employment.

Fulfilling our commitment to American workers also demands that we give them their fair share of the economic growth that globalization brings. Both houses of Congress have now voted overwhelmingly to raise the minimum wage to \$7.25 an hour, and that vital legislation should reach the President's desk soon. But that's only a first step. We need to do much more to promote good jobs and ensure that workers get their fair share of economic growth. We also must give workers a stronger voice in the new economy by protecting their right to organize and form a union.

If we truly want to be competitive in the global economy, we need to address these challenges facing the American workforce head on. Our employees deserve greater job security in the present, and better job opportunities in the future. I hope that the same bipartisan coalition that has worked together so effectively on this competitiveness bill can also work together to address these important issues for America's working families.

The legislation we are introducing today is not a complete package. What

it does represent is the beginning of a strong commitment that we will need to sustain and build on if America is to remain competitive in the years ahead. It's gratifying that this bill has strong bipartisan support, because that support is critical to ensuring that these proposals become a reality.

Words alone will not keep America competitive. This legislation must be more than a promise. I look forward to working with my colleagues as the bill moves forward to ensure that Congress provides the new investments essential to fully support these important proposals.

Americans know how to rise to challenges and come out ahead. We've done it before and we can do it again. We rose to the challenge after World War II with the GI Bill. We rose to the Soviet Union's challenge of Sputnik in 1957 by passing the National Defense Education Act, and we went on to inspire the nation in the next decade by sending a man to the moon and by doubling the federal investment in education.

We need the same bold commitment now to help the current generation meet and master the global challenges we now face. The America COMPETES Act can be an effective first step. I look forward to working with my colleagues to improve upon the bill as it moves forward and to expand on these efforts in the months to come to make this essential initiative as effective as possible.

Mr. LIEBERMAN. Mr. President, I rise today in support of the America COMPETES Act. I am pleased to join Senators REID and MCCONNELL in introducing this bipartisan bill that addresses the challenges in keeping the U.S. competitive in the global economy. The Council on Competitiveness, through their "Innovate America" report, and the National Academies, through the "Rising Above the Gathering Storm" report, made it clear that we owe the economic vitality of the Nation to the productivity of highly trained people and the innovations they produce. This bill addresses recommendations in these reports to support the Nation's future health, vitality and economic prosperity.

Only 29 percent of Americans believe the United States has the most innovative economy in the world. Nearly half choose China or Japan instead. Why? The No. 1 reason cited by Americans is that these other countries are more committed to their education, their youth or their schools. We need this to change.

This bill addresses new and expanded approaches to science education and research to meet the future needs of our children and the Nation. Tests show that U.S. students are behind other developed nations in math and science. We also found out in February that seniors in high school cannot read as well as seniors back in 1992. This is telling us that in some areas we are moving backwards. A good education is

every child's way to realize his and her American dream. We must keep moving forward.

We need to consider how we can help our Nation's top universities lead some of their best and brightest students, especially in STEM and critical foreign languages, into successful teaching careers. This bill encourages integrated college math, science, engineering and foreign language programs with teacher development programs to produce certified, knowledgeable teachers in areas with critical needs. The resulting teachers will have the teaching credentials and, importantly, the necessary content expertise in STEM disciplines with the hope of improving student interest and achievement in STEM areas and critical foreign languages.

New teachers are but a small portion of those teaching in STEM classrooms each year across the country. These new instructors need support and mentoring from established teachers. This bill supports master's degree programs for existing teachers seeking to enhance their content knowledge, teaching skills and leadership in STEM and foreign languages. Teachers in these programs study part-time over 2 to 3 years to obtain master's degrees. These programs also prepare them for leadership roles in their schools through participation in, for example, mentoring activities, math and science curriculum enhancements, teacher development, and student achievement evaluations and assessments.

It is troubling that many students with their newly-obtained high school diplomas find themselves unprepared for college or the workforce. It is time to ensure that high schools prepare their students for the future. To do this right, States must start aligning what children learn starting in kindergarten, or earlier, to meet the evolving higher education and business needs for the 21st century and beyond.

High schools are not preparing students for college or the workforce. We know that middle and high school students engaged in challenging coursework attend and succeed in college at a greater rate than those who follow programs of study without rigorous content. What happens to the others? To start, more than a quarter of college students end up taking remedial classes. The percentage is much higher, more than two in five, at institutions with large minority enrollments. We need to prepare for the future through college-ready course content and appropriate assessment standards all the way up through our high school and continue that rigor until completion of college. I am pleased that this legislation contains many of the components of S. 109-2337, the College Pathways Act of 2006, a bill I introduced to increase access to postsecondary education through better alignment of curriculum and enhanced data systems.

High-quality data systems are also critical to improve schools and student

outcomes. Accountability for high school graduation numbers and dropout rates is important to addressing education reform in our high schools. States and schools need data systems to trace successful educational outcomes back to specific programs, coursework and interventions. They need to know what works and what doesn't work.

Unique identifier for students from pre-kindergarten through college will permit States to analyze school progress. Test results, grades, college-readiness assessments, assigned teachers and whether students needed remedial courses in college can all go into the data system. This information should provide feedback to make needed improvements while expanding and rewarding areas of success.

The legislation specifies that the unique student identifier could be a bar code. That is appropriate. Bar codes and scanners were created and expanded in the U.S. in part through federally funded research. The National Science Foundation, NSF, funded research on scanners starting back in the 1970s that made accurate bar codes a reality. Few realized at the time the eventual widespread use of the technology. But this is an example of the kinds of basic research investments in innovation and ingenuity that drive much of our economy.

NSF is the principal agency sustaining basic research in all science and engineering fields. Basic research outcomes have led to many important innovations, stimulating economic growth and improving the quality of life for all Americans. This legislation increases the Nation's investment in this innovation by doubling the overall funding for NSF from approximately \$5.6 billion in 2006 to \$11.2 billion in 2011. NSF's three strategic goals for its portfolio are discovery, learning, and research infrastructure. These goals match up directly with the three primary areas of the America Competes Act: increased research investment, STEM education, and innovative infrastructure.

To encourage more students to enter technical professions, this legislation increases Federal support for STEM graduate fellowships and trainee programs by expanding the NSF Graduate Research Fellowship Program by 1,250 fellowships. These fellowships follow the students permitting the greatest flexibility in choosing graduate programs that best fit their needs and interests.

We also expand the NSF Integrated Graduate Education and Research Traineeship, IGERT, program by 1,250 new traineeships. In the IGERT program, grants are awarded to universities to develop cross-disciplinary training programs for students in areas including science, math, engineering, and policy. The program is intended to produce a change by establishing innovative new models for graduate education and training that reach across

traditional disciplinary boundaries. It is also intended to facilitate diversity in student participation, and to contribute to a world-class, broadly inclusive, and globally engaged science and engineering workforce.

This legislation further addresses the issue of improving talent in scientific disciplines by expanding the existing STEM Talent Expansion Program, STEP, to the scope originally intended. The STEP, or Tech Talent program, which I first proposed in October 2001, provides competitive grants to undergraduate institutions to develop new methods of increasing the number of students earning degrees in science, math, and engineering. It is essential that we increase the number of college graduates with the skills to contribute to the science and technology workforce, yet this program has never been fully funded.

The Department of Energy's Office of Science is the principal Federal agency for research in high energy physics, nuclear physics, and fusion energy sciences. This legislation puts the Office of Science on a doubling track, over 10 years, reaching more than \$5.2 billion in 2011. We create important educational opportunities through Centers of Excellence in Mathematics and Science. These centers bring together our premier National Laboratories as partners with high-need high schools. National Laboratories also will host summer teacher institutes and will provide expert assistance to teachers at specialty schools in math and science.

The bill also creates an "Innovation Acceleration Grants" program to stimulate high-risk research by setting a goal for Federal research agencies to allocate no less than 8 percent of their current R&D budgets to breakthrough research—the kind of research that gave us fiber optics, the Internet and countless other technologies relied on every day in this country and around the world. We anticipate this funding would be used for "grand challenges" and other transformation research at the frontiers of discovery and innovation. We must continue to encourage the groundbreaking experimentation and longer term outlook that made this country great.

I am pleased to join my colleagues in this bipartisan effort to address the science, technology and education needs that will fuel innovation and continue to drive American growth and prosperity. I urge my colleagues to cosponsor this legislation and support its passage.

Mrs. HUTCHISON. Mr. President, I am delighted to join our distinguished Majority and Minority Leaders in introducing and cosponsoring the America COMPETES Act. This is an essential and important first step in addressing critical challenges facing our Nation in an increasingly competitive global economy. America must be a leader in scientific research and education. It is in the best interest of both our national and economic security.

This bill renews and expands our national focus on strengthening key areas of research, education and innovation. It is the product of a truly bipartisan effort, undertaken with the blessing and encouragement of the Senate leadership and by the leadership of the three principal committees with jurisdiction over these matters: the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Health, Education, Labor, and Pensions. Mr. President, I am proud to be part of this bipartisan initiative to provide new resources to support these competitiveness programs.

This legislation increases research investment by doubling the authorized funding levels for the National Science Foundation (NSF) from approximately \$5.6 billion in fiscal year 2007 to \$11.2 billion in fiscal year 2011. It doubles funding for the Department of Energy's Office of Science over 5 years, from \$3.6 billion in fiscal year 2006 to over \$5.2 billion in fiscal year 2011.

Another vital focus of the bill is to strengthen educational opportunities in science, technology, engineering, mathematics and critical foreign languages. It authorizes competitive grants to States to promote better coordination of elementary and secondary education with the knowledge and skills needed for success in post-secondary education, the workforce and the U.S. Armed Forces. Another key emphasis is strengthening the skills of thousands of math and science teachers through support for the Teachers Institutes for the 21st Century Program at NSF.

As Ranking Member of the Space, Aeronautics and Related Sciences Subcommittee of the Commerce Committee, and a member of the Science, Technology and Innovation Subcommittee, I am especially pleased that this legislation ensures that both NASA and NSF are able to expand their strong traditional roles in fostering technological and scientific excellence. The language we have crafted increases essential NASA funding to support basic research and foster new innovation by calling for full use of existing budget authority that we provided within the 2005 NASA Authorization Act. Under the terms of this legislation and the previous authorization, the Congress could provide an additional \$1.4 billion dollars in fiscal year 2008 for application towards these activities, above what has been requested. By directing NASA's full participation in inter-agency efforts for competitiveness and innovation, this legislation points the way for the Administration to now make use of that additional authority in supporting projects that can help meet these important competitiveness and innovation goals.

This bill represents an important first step in our efforts to meet the increasing challenges to our Nation's

competitive posture. I encourage all of my colleagues to join in cosponsoring this bill and working with us at the appropriate time to ensure its passage by this body and its enactment into law.

By Mr. GRASSLEY (for himself, Mr. McCain, and Mr. Durbin):

S. 762. A bill to include dehydroepiandrosterone as an anabolic steroid; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise today to introduce a bill that would further expand the definition of anabolic steroids under the Controlled Substances Act to include DHEA. I am pleased to be joined in this bi-partisan effort by my colleagues Senator McCain and Senator Durbin.

Eight years ago, baseball fans everywhere were witness to history as Roger Maris' 37 year old single season record of 61 home-runs was finally broken. Mark McGwire and Sammy Sosa captivated the public as their chase for the home-run record unfolded in living rooms everywhere. Three years later, Barry Bonds of the San Francisco Giants set a new record when he hit an unthinkable 73 home-runs in just one season. Now, with another Major League Baseball season just around the corner, the 42 year old Barry Bonds is on the brink of breaking the all time home-run record held by the great Hank Aaron.

A lot has changed since that historic 1998 season though. We now know that Mark McGwire had been taking an over the counter testosterone boosting supplement known as "Andro" at the time he broke the home-run record. A few years later, an anonymous phone call sparked what has since become the largest doping scandal in professional sports history. The BALCO scandal as it is famously known today, has exposed numerous top athletes across a wide range of sports and continues to this day. In fact, just this week, we learned that investigators found evidence that testosterone and other performance enhancing drugs may have been illegally purchased over the internet by current and former Major League Baseball and NFL players, college athletes, high school coaches, a former Mr. Olympia champion, and another top contender in the body building competition.

The publicity generated from these doping scandals even spurred Congress into action. In 2004, we passed legislation expanding the list from 23 to 59 anabolic steroids that are now regulated by the DEA, including "Andro". Legislation has also been introduced that would force Major League Baseball and other professional sports leagues, to strengthen their testing procedures and set new minimum penalties for any violations of the policy.

While all this publicity has helped to raise public awareness about the dangers of illegal performance enhancing drugs, much work remains to be done. Some recent studies appear to indicate

that the use of illegal steroids among adolescents is beginning to decline. While this is good news, an alarming number of young people are still turning to these dangerous drugs to improve performance, appearance, or their self image.

Even more widespread however, is the use of over the counter supplements. Many young people turn to these "supplements" as an alternative to already illegal steroids, mistakenly believing that because they are sold over the counter, they must be safe. Yet, many of these over the counter "supplements" actually produce the same dangerous effects on the body as illegal steroids, some even become steroids in the blood stream.

In the year following Mark McGwire's record breaking 70 home-run season, sales of andro surged by more than 1000 percent. In 2004, we took action to control sales of these dangerous drugs and protect the unsuspecting public. Yet as I speak today, one anabolic steroid remains on the shelves of health stores around the country. This potentially harmful steroid can be bought by anyone, at any age and without consulting a physician first.

DHEA, is a steroid hormone that when ingested in the body, is converted into other more powerful steroid hormones including Andro and Testosterone. Both Andro and Testosterone are already controlled by the DEA under the Controlled Substances Act.

DHEA like all other steroids, may cause a number of long-term physical and psychological effects. Women could experience facial hair growth, scalp hair loss, deepening of the voice, and increased girth. Men could experience increased blood pressure or breast enlargement. Unfortunately, side effects associated with hormones don't always appear right away. While these effects may be mild at low doses, according to many experts high levels of DHEA might promote liver damage and cancer of the breast or prostate over time. The truth is we know very little about DHEA's long term effects.

In addition, because DHEA is marketed as a dietary supplement rather than a medicine, companies distributing DHEA products are not required to prove their safety and effectiveness to the Food and Drug Administration. Therefore, it is impossible to tell if these products are 100 percent pure or whether you are getting the same amount of DHEA the label claims. In fact, in 2000, the Good Housekeeping Research Group examined 8 popular DHEA products with "antiaging" claims and found that 5 of the 8 brands sent to an independent lab for testing, failed to accurately state the level of DHEA labeled on their product.

While often cited as an anti-aging pill, some advertisements do specifically target athletes. Take for example this advertisement on www.bodybuilding.com:

DHEA is HOT, and you will see why. As a pre-cursor hormone, it leads to the production of other hormones. When this compound

is supplemented, it has shown to have awe-some effects.

Here is another advertisement found on AST Sports Sciences,

If you're a bodybuilder, and want to increase lean body mass at the expense of body fat, actual studies show this supplement may significantly alter body composition, favoring lean mass accrual.

DHEA is already banned by the Olympics, the World Anti-Doping Agency, the National Collegiate Athletic Association, the National Football League, the National Basketball Association and minor league baseball, yet under current Federal law it enjoys special protections.

In 2005, as Major League Baseball and their steroid policy were coming under increasingly heavy fire, the top medical advisor to the League turned the tables on us as lawmakers, referring to DHEA and accusing us of failing to write a zero tolerance steroids policy into Federal law.

With that in mind, I am pleased to introduce this legislation today, which would put these potentially dangerous steroids behind the counter where they belong. We must make every effort to keep ALL steroids out of the hands of children and protect unsuspecting consumers. DHEA is not a food supplement, and should be treated as every other testosterone boosting substance in the steroid family.

I encourage my colleagues to join in support of this legislation.

I send the draft of this legislation to the desk and ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCLUSION OF DEHYDROEPIANDROSTERONE.

Section 102(41)(A) of the Controlled Substances Act (21 U.S.C. 802(41)(A)) is amended—

(1) in the matter preceding clause (i), by striking “corticosteroids, and dehydroepiandrosterone” and inserting “and corticosteroids”;

(2) by redesignating clauses (x) through (xix) as clauses (xi) through (xxi), respectively; and

(3) by inserting after clause (ix) the following:

“(x) dehydroepiandrosterone (androst-5-en-3 β -ol-17-one);”.

By Mrs. CLINTON (for herself, Ms. SNOWE, Mr. BINGAMAN, Mr. NELSON of Florida, Mr. KERRY, Mr. DURBIN, and Ms. CANTWELL):

S. 764. A bill to amend title IXX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State children's health insurance program (SCHIP); to the Committee on Finance.

Mrs. CLINTON. Mr. President, today I am introducing the Legal Immigrant Children's Health Improvement Act,

legislation that would again allow States to use Federal funds to provide critical healthcare services to pregnant women and children. I want to thank Senator SNOWE for partnering with me on this bipartisan effort.

All across New York and America, legal immigrants work hard, pay taxes, and exercise their civic responsibilities. I see examples of this every day in New York. They fight for our country in the military. They contribute to our Nation's competitiveness and economic growth. They help revitalize neighborhoods and small towns across the country. And most are fiercely proud to call themselves Americans.

Yet, in 1996, Congress denied safety net services to legal immigrants who had been in the country for less than five years. Today, Senator SNOWE and I are introducing legislation that would take a first step towards correcting that injustice. The Legal Immigrant Children's Health Improvement Act will allow States to use Federal funds to make the State Children's Health Insurance Program (SCHIP) and Medicaid available to legal immigrant pregnant women and children who are within the five year ban.

There is tremendous need for this legislation. An Urban Institute study found that children of immigrants under the age of 6 years are two times as likely to be in fair or poor health compared to same-age children of natives, whereas 6 to 17 year old children of immigrants are almost three times as likely to be in fair or poor health. While most children receive preventative medical care, such as vaccines and routine dental care, too often immigrant children do not. They are forced to forego treatment and can ultimately end up seeking needed care in emergency rooms—the least cost-effective place to provide care. To make matters worse, minor illnesses, which would be easily treated by a pediatrician, may snowball into life-threatening conditions.

And women without access to prenatal care are four times more likely to deliver low birth weight infants and seven times more likely to deliver prematurely than women who receive prenatal care, according to the Institute of Medicine. All of these health outcomes are costly to society and to the individuals involved.

Today, 16 States, including New York and Maine, use State funds to provide healthcare services to legal immigrant pregnant women and children within the five year waiting period. An additional six States provide some coverage to either pregnant woman or children.

The Legal Immigrant Children's Health Improvement has been endorsed by a wide range of organizations including Asian American Justice Center, Catholic Health Association, National Immigration Law Center, National Health Law Program, Families USA, and National Council of La Raza and I want to thank them for their support.

This year Congress will reauthorize the SCHIP program and it is my hope that we will finally eliminate the unfair ban on legal immigrant children and pregnant woman by incorporating the Immigrant Children's Health Improvement Act into the reauthorization of SCHIP. I look forward to working with Senator SNOWE and my colleagues to enact this bill into law.

By Mr. DURBIN (for himself, Mr. OBAMA, Ms. MURKOWSKI, and Ms. MIKULSKI):

S.J. Res. 5. A joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today to introduce S.J. Res. 5, honoring the valor of General Casimir Pulaski, who made the ultimate sacrifice in pursuit of American freedom. This Resolution would grant posthumous honorary citizenship to General Pulaski.

Casimir Pulaski was a young soldier whose activities to advance Polish liberty from Russian influence led to his exile from Poland. In Paris, he met Benjamin Franklin and was inspired to join the Continental Army in its fight for American independence.

On September 11, 1777, Casimir Pulaski fought with distinction in the Battle of Brandywine. His bravery and abilities in battle averted an American defeat and saved the life of George Washington. That same year, Pulaski wrote to George Washington, “I came here, where freedom is being defended, to serve it, and to live or die for it.”

Casimir Pulaski was promoted to Brigadier General and, as General, continued to provide great leadership. In 1779, at the siege of Charleston, South Carolina, he helped to fend off British forces. Later that year, his letter to George Washington proved prophetic when in October, during a major offensive against British forces in Savannah, Georgia, Pulaski was mortally wounded. He died at sea, aboard the U.S.S. *Wasp*, on October 11, 1779.

General Pulaski's life and death inspired his contemporaries just as he inspires us today. Shortly after his death, the Continental Congress resolved to build a monument in his honor; one that proved to be the first of many. In 1825, General Lafayette, an honorary American citizen, laid the cornerstone for the Pulaski monument in Savannah, Georgia. In 1929, Congress resolved that October 11 of each year would be Pulaski Day in the United States, and several states have followed this example. In 1973, my own state of Illinois designated the first Monday of March as Pulaski Commemorative Day and in 1986 declared that day to be a state holiday. There are countless schools, streets, and memorials across the country that bear his name, and honor his great contributions.

We in Illinois are privileged to have a large and vibrant Polish-American

community. From Casimir Pulaski to legendary artists like Ignacy Jan Paderewski, the Polish people have contributed a great deal to Illinois, and to this country. Chicago is home to the Polish American Congress, which encompasses three thousand Polish organizations across the county, as well as the Polish Museum of America. The Polish-American community also has a large presence in the Illinois National Guard which has enjoyed a long-standing relationship with the Polish Air Force.

I am honored to rise today, on Pulaski Commemorative Day, to introduce this Resolution to grant posthumous honorary citizenship to General Casimir Pulaski. Honorary citizenship is a proper tribute to a man who gave his labor and life to the cause of American independence. When we think of our Nation's struggle for freedom in its early years, we also must think of Casimir Pulaski and his indelible contribution to our Nation's birth.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 93—SUPPORTING THE GOALS OF "INTERNATIONAL WOMEN'S DAY"

Mrs. BOXER (for Mr. BIDEN (for himself, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. MURRAY, and Ms. STABENOW)) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 93

Whereas there are more 3,000,000,000 women in the world, representing 49.7 percent of the world's population;

Whereas women continue to play the predominant role in caring for families within the home, as well as increasingly supporting their families economically by working outside the home;

Whereas women worldwide participate in diplomacy and politics, contribute to the growth of economies, and improve the quality of the lives of their families, communities, and countries;

Whereas women leaders have recently made significant strides, including through the 2007 election of Representative Nancy Pelosi as the first female Speaker of the United States House of Representatives, the 2006 election of Michelle Bachelet as the first female President of Chile, the 2006 election of Ellen Johnson-Sirleaf as President of Liberia and the first female President in the history of Africa, and the 2005 election of Angela Merkel as the first female Chancellor of Germany and who will also serve in 2007 as the second woman to chair a G-8 summit;

Whereas women now account for 80 percent of the world's 70,000,000 micro-borrowers, 75 percent of the 28,000 United States loans supporting small business in Afghanistan are given to women, and 11 women are chief executive officers of Fortune 500 companies in the United States;

Whereas, in the United States, women are graduating from high school and earning bachelor's degrees and graduate degrees at rates greater than men, with 88 percent of women between the ages of 25 and 29 having obtained high school diplomas and 31 percent of women between the ages of 25 and 29 having earned bachelor's degrees;

Whereas even with the tremendous gains for women during the past 20 years, women still face political and economic obstacles, struggle for basic rights, face discrimination, and are targets of gender-based violence all over the world;

Whereas women remain vastly underrepresented worldwide in national and local legislatures, accounting on average for less than 10 percent of the seats in legislatures in most countries, and in no developing region do women hold more than 8 percent of legislative positions;

Whereas women work two-thirds of the world's working hours and produce half of the world's food, yet earn only 1 percent of the world's income and own less than 1 percent of the world's property;

Whereas, in the United States between 1995 and 2000, female managers earned less than their male counterparts in the 10 industries that employ the vast majority of all female employees;

Whereas, of the 1,300,000,000 people living in poverty around the world, 70 percent are women;

Whereas, according to the United States Agency for International Development, two-thirds of the 876,000,000 illiterate individuals worldwide are women, two-thirds of the 125,000,000 school-aged children who are not attending school worldwide are girls, and girls around the world are less likely to complete school than boys;

Whereas women account for half of all cases of HIV/AIDS worldwide, approximately 42,000,000 cases, and in countries with a high prevalence of HIV, young women are at a higher risk than young men of contracting HIV;

Whereas each year over 500,000 women globally die during childbirth or pregnancy;

Whereas domestic violence causes more deaths and disabilities among women between the ages of 15 and 44 than cancer, malaria, traffic accidents, and war;

Whereas worldwide at least 1 out of every 3 women and girls has been beaten in her lifetime, and usually the abuser is a member of the victim's family or is someone else known to the victim;

Whereas, according to the Centers for Disease Control and Prevention, at least 1 out of every 6 women and girls in the United States has been sexually abused in her lifetime;

Whereas, in the United States, one-third of the women murdered each year are killed by current or former husbands or boyfriends;

Whereas 130,000,000 girls and young women worldwide have been subjected to female genital mutilation and it is estimated that 10,000 girls are at risk of being subjected to the practice in the United States;

Whereas, according to the Congressional Research Service and the Department of State, illegal trafficking in women and children for forced labor, domestic servitude, or sexual exploitation involves between 600,000 and 900,000 women and children each year, of whom 17,500 are transported into the United States;

Whereas between 75 and 80 percent of the world's 27,000,000 refugees are women and children;

Whereas, in Iraq, women are increasingly becoming the targets of violence by Islamic extremists, street gangs, and elements within the anti-occupation insurgency;

Whereas, in Darfur, a growing number of women and girls are being raped, mainly by militia members who use sexual violence as a weapon of war;

Whereas, in Afghanistan, Safia Ama Jan, the former Director of Women's Affairs, became the first female assassinated since the fall of the Taliban; and

Whereas March 8 of each year has been known as "International Women's Day" for

the last century, and is a day on which people, often divided by ethnicity, language, culture, and income, come together to celebrate a common struggle for women's equality, justice, and peace: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of "International Women's Day";

(2) recognizes and honors the women in the United States and in other countries who have fought and continue to struggle for gender equality and women's rights;

(3) reaffirms its commitment to ending discrimination and violence against women and girls, to ensuring the safety and welfare of women and girls, and to pursuing policies that guarantee the basic rights of women and girls both in the United States and in other countries;

(4) urges the President to reaffirm his commitment to pursue policies to protect the health and rights of women and girls; and

(5) encourages the people of the United States to observe International Women's Day with appropriate programs and activities.

Mr. BIDEN. Mr. President, I rise today to submit a Senate resolution designating March 8, 2007, as International Women's Day. Since 1911, International Women's Day has provided a chance for people all over the world to pause and observe the remarkable steps that women have made in their fight for equality and recommit themselves to dosing lingering gender disparities. I am particularly pleased that I am joined by a tremendous group of women who are original cosponsors of today's measure, Senators BOXER, CANTWELL, CLINTON, FEINSTEIN, KLOBUCHAR, LANDRIEU, MIKULSKI, MURRAY and STABENOW. These nine senators are living testament to the progress and promise of women's achievements. They are trailblazers and role models to whom we owe a great deal of gratitude.

Besides the steady increase in the number of women senators, I need only look down the hallway to see another sign of extraordinary progress in 2007—the first ever woman Speaker of House, Representative NANCY PELOSI. Similar electoral accomplishments can be found in other countries. For instance, Michelle Bachelet became the first female President of Chile and Ellen Johnson-Sirleaf became first female President in Liberia in the history of Africa. In 2005, Angela Merkel became the first female Chancellor of Germany.

Of course, participation in the political process is but one marker of women's empowerment and equal footing. Access to education, economic security, employment nondiscrimination, eradication of poverty, equality before the law, access to HIV/AIDS prevention and other health care services, and freedom from gender-based violence, including human trafficking—these are all critical benchmarks of women's progress.

An essential component to achieving gender equality is ending violence against women—an issue about which I care deeply. The time is now to concentrate our energies on efforts to end domestic and sexual violence abroad.

Last year Congress passed the Violence Against Women Act of 2005, an accomplishment that shows real consensus and momentum to end gender-based violence and heal America's families. The United Nations and the World Health Organizations have released ground-breaking studies on the prevalence and impact of domestic violence globally. Finally, international service organizations are finding that their efforts to help women in the field, be it opening the school doors to girls or getting HIV/AIDS medicine to young women, are ultimately ineffectual if we do not help these same women escape from violent homes.

Furthermore, gender-based violence is pervasive in conflicts around the globe. In Darfur, women are systematically raped as a weapon of war. In Afghanistan, Safia Ama Jan, became the first female assassinated since the fall of the Taliban. Just last week, two Iraqi women accused the Iraqi national security forces of gang-raping them in Baghdad headquarters. This year's theme for International Women's Day is "Ending Impunity for Violence Against Women and Girls"—a fitting mandate for all of us.

I am working on legislative measures to fight the global epidemic of gender-based violence. In addition, International Women's Day is also a perfect opportunity for the Administration to review its position and support ratification of the International Women's Rights Treaty (formally known as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)). I whole heartedly support this human rights treaty that brings together in one document women's economic, social, cultural, civil and political rights and is an important tool for women rights advocates around the globe.

I've said it before, but it bears repeating: Ending the systemic discrimination of women is not just a woman's issue, it is not just the responsibility of heads of state or Nobel Peace Prize winners, it is everyone's moral responsibility. You cannot build peace and you cannot build democracy when half of the population is not free. And no country can reach its full potential when women are not allowed to fully contribute. Spreading democracy must mean empowering women, ending domestic and sexual violence and holding abusers fully accountable. I urge my colleagues to join our Resolution to Commemorate International Women's Day on March 8th and thank advocates everywhere who work day in and day out I to improve women's lives.

SENATE RESOLUTION 94—HONORING THE EMPLOYEES OF THE DEPARTMENT OF HOMELAND SECURITY ON THE 4TH ANNIVERSARY OF THE DEPARTMENT

Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LIEBERMAN, Mr. STEVENS, Mr. WARNER, and Ms. COLLINS) sub-

mitted the following resolutions; which was considered and agreed to:

S. RES. 94

Whereas the United States must remain vigilant against all threats to the homeland, including acts of terrorism, natural disasters, and other emergencies;

Whereas the Department of Homeland Security marks its 4th anniversary on March 1, 2007;

Whereas the more than 208,000 employees of the Department work tirelessly to carry out the complex mission of securing the Nation from terrorism and natural hazards through protection, prevention, response, and recovery as well as serving the public effectively by facilitating lawful trade, travel, and immigration;

Whereas the Department's employees sacrifice time with their families to work long hours to fulfill the Department's vital mission; and

Whereas the Nation is indebted to the Department's employees for their labors: Now, therefore, be it

Resolved, That the Senate honors the employees of the Department of Homeland Security for their substantial contributions to protecting the Nation on the 4th anniversary of the Department.

AMENDMENTS SUBMITTED AND PROPOSED

SA 332. Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table.

SA 333. Mr. LEAHY (for himself, Mr. THOMAS, Mr. STEVENS, Mr. ROBERTS, Mr. PRYOR, Mr. SANDERS, Mr. ENZI, and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 334. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 335. Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mr. LAUTENBERG, Mrs. HUTCHISON, Mrs. BOXER, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. MENENDEZ, Mr. KERRY, Mr. COBURN, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 336. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 337. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 338. Mr. OBAMA (for himself, Mr. WARNER, Mr. COBURN, Ms. LANDRIEU, Mr. KENNEDY, Mr. MENENDEZ, Mrs. CLINTON, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 339. Mr. WYDEN (for himself, Mr. LIEBERMAN, Ms. COLLINS, and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 340. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 341. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 342. Ms. COLLINS (for herself, Mr. STEVENS, Mr. VOINOVICH, Mr. WARNER, Mr. SUNUNU, and Mr. GRASSLEY) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 343. Ms. CANTWELL (for herself, Mr. DODD, and Mr. FEINGOLD) submitted an amendment intended to be proposed by her to the bill S. 4, supra; which was ordered to lie on the table.

SA 344. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, Mr. REID, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 345. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 346. Mr. INOUE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 347. Mr. SESSIONS proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 348. Mr. WYDEN (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 332. Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, strike line 5 and all that follows through page 57, line 9, and insert the following:

"(a) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants to State, local, and tribal governments for the purposes of this title.

"(b) PROGRAMS NOT AFFECTED.—This title shall not be construed to affect any authority to award grants under any of the following Federal programs:

"(1) The firefighter assistance programs authorized under section 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

“(2) The Urban Search and Rescue Grant Program authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(3) Grants to protect critical infrastructure, including port security grants authorized under section 70107 of title 46, United States Code.

“(4) The Metropolitan Medical Response System authorized under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

“(5) Grant programs other than those administered by the Department.

“(c) RELATIONSHIP TO OTHER LAWS.—

“(1) IN GENERAL.—The grant programs authorized under this title shall supercede all grant programs authorized under section 1014 of the USA PATRIOT Act (42 U.S.C. 3714).

“(2) PROGRAM INTEGRITY.—Each grant program under this title, section 1809 of this Act, or section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763) shall include, consistent with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), policies and procedures for—

“(A) identifying activities funded under any such grant program that are susceptible to significant improper payments; and

“(B) reporting the incidence of improper payments to the Department.

“(3) ALLOCATION.—Except as provided under paragraph (2) of this subsection, the allocation of grants authorized under this title shall be governed by the terms of this title and not by any other provision of law.

“(d) MINIMUM PERFORMANCE REQUIREMENTS.—

“(1) IN GENERAL.—The Administrator shall—

“(A) establish minimum performance requirements for entities that receive homeland security grants;

“(B) conduct, in coordination with State, regional, local, and tribal governments receiving grants under this title, section 1809 of this Act, or section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763), simulations and exercises to test the minimum performance requirements established under subparagraph (A) for—

On page 66, between lines 19 and 20, insert the following:

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

“(1) for fiscal year 2007, such sums as are necessary;

“(2) for each of fiscal years 2008, 2009, and 2010, \$1,278,639,000; and

“(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.

On page 77, strike line 3 and all that follows through page 80, line 7, and insert the following:

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

“(1) for fiscal year 2007, such sums as are necessary;

“(2) for each of fiscal years 2008, 2009, and 2010, \$913,180,500; and

“(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.

“SEC. 2005. TERRORISM PREVENTION.

On page 84, strike line 19 and insert the following:

“SEC. 2006. RESTRICTIONS ON USE OF FUNDS.

On page 85, line 25, strike “611(j)(8)” and insert “611(j)(9)”.

On page 86, line 2, strike “5196(j)(8)” and insert “5196(j)(9)”.

On page 87, strike line 22 and insert the following:

“SEC. 2007. ADMINISTRATION AND COORDINATION.

On page 89, line 7, strike “under this title” and insert “under section 2003 or 2004”.

On page 91, strike line 16 and insert the following:

“SEC. 2008. ACCOUNTABILITY.

On page 94, lines 13 and 14, strike “the Homeland Security Grant Program” and insert “grants made under this title”.

On page 97, strike lines 7 and 8 and insert the following:

“SEC. 2009. AUDITING.

“(a) AUDITS OF GRANTS.—

On page 104, strike line 7 and all that follows through page 105, line 9, and insert the following:

“(d) DEFINITION.—In this section, the term ‘Emergency Management Performance Grants Program’ means the Emergency Management Performance Grants Program under section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763; Public Law 109-295).

“SEC. 2010. SENSE OF THE SENATE.

“It is the sense of the Senate that, in order to ensure that the Nation is most effectively able to prevent, prepare for, protect against, respond to, recovery from, and mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters—

“(1) the Department should administer a coherent and coordinated system of both terrorism-focused and all-hazards grants, the essential building blocks of which include—

“(A) the Urban Area Security Initiative and State Homeland Security Grant Program established under this title (including funds dedicated to law enforcement terrorism prevention activities);

“(B) the Emergency Communications Operability and Interoperable Communications Grants established under section 1809; and

“(C) the Emergency Management Performance Grants Program authorized under section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763); and

“(2) to ensure a continuing and appropriate balance between terrorism-focused and all-hazards preparedness, the amounts appropriated for grants under the Urban Area Security Initiative, State Homeland Security Grant Program, and Emergency Management Performance Grants Program in any fiscal year should be in direct proportion to the amounts authorized for those programs for fiscal year 2008 under the amendments made by titles II and IV, as applicable, of the Improving America's Security Act of 2007.”.

On page 106, strike lines 1 through 9, and insert the following:

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by striking the items relating to title XVIII and sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109-347; 120 Stat. 1884), and inserting the following:

“TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

“Sec. 1901. Domestic Nuclear Detection Office.

“Sec. 1902. Mission of Office.

“Sec. 1903. Hiring authority.

“Sec. 1904. Testing authority.

“Sec. 1905. Relationship to other Department entities and Federal agencies.

“Sec. 1906. Contracting and grant making authorities.

“TITLE XX—HOMELAND SECURITY GRANTS

“Sec. 2001. Definitions.

“Sec. 2002. Homeland Security Grant Program.

“Sec. 2003. Urban Area Security Initiative.

“Sec. 2004. State Homeland Security Grant Program.

“Sec. 2005. Terrorism prevention.

“Sec. 2006. Restrictions on use of funds.

“Sec. 2007. Administration and coordination.

“Sec. 2008. Accountability.

“Sec. 2009. Auditing.

“Sec. 2010. Sense of the Senate.”.

TITLE III—COMMUNICATIONS OPERABILITY AND INTEROPERABILITY

On page 126, between lines 14 and 15, insert the following:

TITLE IV—EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM

SEC. 401. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

Section 622 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763) is amended to read as follows:

“SEC. 622. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) POPULATION.—The term ‘population’ means population according to the most recent United States census population estimates available at the start of the relevant fiscal year.

“(2) STATE.—The term ‘State’ has the meaning given that term in section 101 of the Homeland Security Act of 2002 (6 U.S.C. 101).

“(b) IN GENERAL.—There is an Emergency Management Performance Grants Program to make grants to States to assist State, local, and tribal governments in preparing for, responding to, recovering from, and mitigating against all hazards.

“(c) APPLICATION.—

“(1) IN GENERAL.—Each State may apply for a grant under this section, and shall submit such information in support of an application as the Administrator may reasonably require.

“(2) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or re-apply on an annual basis for grants distributed under the program.

“(d) ALLOCATION.—Funds available under the Emergency Management Performance Grants Program shall be allocated as follows:

“(1) BASELINE AMOUNT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), each State shall receive an amount equal to 0.75 percent of the total funds appropriated for grants under this section.

“(B) TERRITORIES.—American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each shall receive an amount equal to 0.25 percent of the amounts appropriated for grants under this section.

“(2) PER CAPITA ALLOCATION.—The funds remaining for grants under this section after allocation of the baseline amounts under paragraph (1) shall be allocated to each State in proportion to its population.

“(3) CONSISTENCY IN ALLOCATION.—Notwithstanding paragraphs (1) and (2), in any fiscal year in which the appropriation for grants under this section is equal to or greater than the appropriation for Emergency Management Performance Grants in fiscal year 2007, no State shall receive an amount under this section for that fiscal year less than the amount that State received in fiscal year 2007.

“(e) ALLOWABLE USES.—Grants awarded under this section may be used to prepare for, respond to, recover from, and mitigate against all hazards through—

“(1) any activity authorized under title VI or section 201 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq. and 5131);

“(2) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for Emergency Management Performance Grants; and

“(3) any other activity approved by the Administrator that will improve the emergency management capacity of State, local, or tribal governments to coordinate, integrate, and enhance preparedness for, response to, recovery from, or mitigation against all-hazards.

“(f) COST SHARING.—

“(1) IN GENERAL.—Except as provided in subsection (i), the Federal share of the costs of an activity carried out with a grant under this section shall not exceed 50 percent.

“(2) IN-KIND MATCHING.—Each recipient of a grant under this section may meet the matching requirement under paragraph (1) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made.

“(g) DISTRIBUTION OF FUNDS.—The Administrator shall not delay distribution of grant funds to States under this section solely because of delays in or timing of awards of other grants administered by the Department.

“(h) LOCAL AND TRIBAL GOVERNMENTS.—

“(1) IN GENERAL.—In allocating grant funds received under this section, a State shall take into account the needs of local and tribal governments.

“(2) INDIAN TRIBES.—States shall be responsible for allocating grant funds received under this section to tribal governments in order to help those tribal communities improve their capabilities in preparing for, responding to, recovering from, or mitigating against all hazards. Tribal governments shall be eligible for funding directly from the States, and shall not be required to seek funding from any local government.

“(i) EMERGENCY OPERATIONS CENTERS IMPROVEMENT PROGRAM.—

“(1) IN GENERAL.—The Administrator may award grants to States under this section to plan for, equip, upgrade, or construct all-hazards State, local, or regional emergency operations centers.

“(2) REQUIREMENTS.—No grant awards under this section (including for the activities specified under this subsection) shall be used for construction unless such construction occurs under terms and conditions consistent with the requirements under section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9)).

“(3) COST SHARING.—

“(A) IN GENERAL.—The Federal share of the costs of an activity carried out with a grant under this subsection shall not exceed 75 percent.

“(B) IN KIND MATCHING.—Each recipient of a grant for an activity under this section may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

“(1) for fiscal year 2007, such sums as are necessary;

“(2) for each of fiscal years 2008, 2009, and 2010, \$913,180,500; and

“(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.”.

SA 333. Mr. LEAHY (for himself, Mr. THOMAS, Mr. STEVENS, Mr. ROBERTS, Mr. PRYOR, Mr. SANDERS, Mr. ENZI, and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing

unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, lines 19 and 20, strike “0.45 percent” and insert “0.75 percent”.

SA 334. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . FEDERAL FLIGHT DECK OFFICERS.

(a) IN GENERAL.—Section 44921(a) of title 49, United States Code, is amended to read as follows:

“(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish the Federal flight deck officer program to deputize eligible pilots as Federal law enforcement officers to defend against acts of criminal violence or air piracy. Such an officer shall be known as a ‘Federal flight deck officer’.”.

(b) AUTHORITY TO CARRY FIREARMS.—Section 44921(f) of title 49, United States Code, is amended to read as follows:

“(f) AUTHORITY TO CARRY FIREARMS.—

“(1) IN GENERAL.—The Secretary shall authorize a Federal flight deck officer to carry a firearm on the officer’s person. Notwithstanding subsection (c)(1), the officer may purchase a firearm and carry that firearm in accordance with this section if the firearm is of a type that may be used under the program.

“(2) PREEMPTION.—Notwithstanding any other provision of Federal, State, or local law, a Federal flight deck officer may carry a firearm in any State and from one State to another State.

“(3) CARRYING FIREARMS OUTSIDE UNITED STATES.—

“(A) IN GENERAL.—When operating to, from, or within the jurisdiction of a foreign government where an agreement allowing a Federal flight deck officer to carry or possess a firearm is not in effect, a Federal flight deck officer shall be designated as a Federal air marshal for the purposes of complying with international weapons carriage regulations and existing agreements with foreign governments. Nothing in this paragraph shall be construed to allow Federal flight deck officers to receive any other benefit of being so designated.

“(B) REQUIREMENT TO NEGOTIATE AGREEMENTS.—The Secretary of State shall negotiate agreements with foreign governments as necessary to allow Federal flight deck officers to carry and possess firearms within the jurisdictions of such foreign governments for protection of international flights against hijackings or other terrorist acts. Any such agreements shall provide Federal flight deck officers the same rights and privileges accorded Federal air marshals by such foreign governments.

“(4) DESCRIPTION OF AUTHORITY AND PROCEDURES.—The authority of a Federal flight deck officer to carry a firearm shall be identical to such authority granted to any other Federal law enforcement officer under Federal law. The operating procedures applicable to a Federal flight deck officer relating to carrying such firearm shall be no more restrictive than the restrictions for carrying a

firearm that are generally imposed on any other Federal law enforcement officer who has statutory authority to carry a firearm.

“(5) LOCKED DEVICES.—

“(A) NO REQUIREMENT TO USE.—A Federal flight deck officer may not be required to carry or transport a firearm in a locked bag, box, or container.

“(B) REQUIREMENT TO PROVIDE.—Upon request of a Federal flight deck officer, the Secretary shall provide a secure locking device or other appropriate container for storage of a firearm by the Federal flight deck officer.”.

(c) DUE PROCESS.—Section 44921 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(1) DUE PROCESS.—Not later than 90 days after the date of enactment of the Improving America’s Security Act of 2007, the Secretary shall establish procedures for the appeal of adverse decisions or actions. Such procedures shall provide timely notice of the action or decision, including specific reasons for the action or decision.”.

(d) IDENTIFICATION AND SCREENING.—Section 44921 of title 49, United States Code, as amended by subsection (c), is further amended by adding at the end the following new subsections:

“(m) CREDENTIALS.—The Secretary shall issue to each Federal flight deck officer standard Federal law enforcement credentials, including a distinctive metal badge, that are similar to the credentials issued to other Federal law enforcement officers.

“(n) SECURITY INSPECTIONS.—A Federal flight deck officer may not be subject to greater routine security inspection or screening protocols at or in the vicinity of an airport than the protocols that apply to other Federal law enforcement officers.”.

(e) REPORTS TO CONGRESS.—Section 44921 of title 49, United States Code, as amended by subsections (c) and (d), is further amended by adding at the end the following new subsection:

“(o) REPORTS TO CONGRESS.—

“(1) REPORTS ON PROGRAM.—Not less often than once every 6 months, the Secretary, in consultation with the Secretary of State, shall report to Congress on the progress that the Secretary of State has made in implementing international agreements to permit Federal flight deck officers to carry firearms on board an aircraft operating within the jurisdiction of a foreign country.

“(2) REPORT ON TRAINING.—Not later than 90 days after the date of enactment of the Improving America’s Security Act of 2007, the Secretary shall report to Congress on the issues raised with respect to training in Department of Homeland Security Office of Inspector General report OIG-07-14 that includes proposals to address the issues raised in such report.”.

(f) CONFORMING AND OTHER AMENDMENTS.—Section 44921 of title 49, United States Code, as amended by sections (c), (d), and (e), is further amended—

(1) by striking “Under Secretary” each place it appears and inserting “Secretary”; and

(2) by striking subparagraph (G) of subsection (b)(3).

SA 335. Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mr. LAUTENBERG, Mrs. HUTCHISON, Mrs. BOXER, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. MENENDEZ, Mr. KERRY, Mr. COBURN, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing

unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 49, line 12, strike all through the matter preceding page 106, line 7, and insert the following:

TITLE II—RISK-BASED FUNDING FOR HOMELAND SECURITY

SEC. 201. RISK-BASED FUNDING FOR HOMELAND SECURITY.

(a) RISK-BASED FUNDING IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.) is amended by adding at the end the following:

“TITLE XX—RISK-BASED FUNDING FOR HOMELAND SECURITY

“SEC. 2001. RISK-BASED FUNDING FOR HOMELAND SECURITY.

“(a) RISK-BASED FUNDING.—The Secretary shall ensure that homeland security grants are allocated based on an assessment of threat, vulnerability, and consequence to the maximum extent practicable.

“(b) COVERED GRANTS.—This title applies to grants provided by the Department to States, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, or mitigate threatened or actual terrorist attacks, especially those involving weapons of mass destruction, and grants provided by the Department for improving homeland security, including the following:

“(1) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

“(2) URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

“(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

“(4) CITIZEN CORPS PROGRAM.—The Citizen Corps Program of the Department, or any successor to such grant program.

“(c) EXCLUDED PROGRAMS.—This title does not apply to or otherwise affect the following Federal grant programs or any grant under such a program:

“(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.

“(2) FIRE GRANT PROGRAMS.—The fire grant programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

“(3) EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE ACCOUNT GRANTS.—The Emergency Management Performance Grant program and the Urban Search and Rescue Grants program authorized by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.), the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (113 Stat. 1047 et seq.), and the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

“(d) EFFECT ON COVERED GRANTS.—Nothing in this Act shall be construed to require the elimination of a covered grant program.”.

(b) COVERED GRANT ELIGIBILITY AND CRITERIA.—The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.), as amended by subsection (a), is amended by adding at the end the following:

“SEC. 2002. COVERED GRANT ELIGIBILITY AND CRITERIA.

“(a) GRANT ELIGIBILITY.—

“(1) IN GENERAL.—

“(A) GENERAL ELIGIBILITY.—Except as provided in subparagraphs (B) and (C), any State, region, or directly eligible tribe shall be eligible to apply for a covered grant.

“(B) URBAN AREA SECURITY INITIATIVE.—Only a region shall be eligible to apply for a grant under the Urban Area Security Initiative of the Department, or any successor to such grant program.

“(C) STATE HOMELAND SECURITY GRANT PROGRAM.—Only a State shall be eligible to apply for a grant under the State Homeland Security Grant Program of the Department, or any successor to such grant program.

“(2) OTHER GRANT APPLICANTS.—

“(A) IN GENERAL.—Grants provided by the Department for improving homeland security, including to seaports, airports, and other transportation facilities, shall be allocated as described in section 2001(a).

“(B) CONSIDERATION.—Applications for such grants shall be considered, to the extent determined appropriate by the Secretary, pursuant to the procedures and criteria established in this title, except that the eligibility requirements of paragraph (1) shall not apply.

“(3) CERTIFICATION OF REGIONS.—

“(A) IN GENERAL.—The Secretary shall certify a geographic area as a region if—

“(i) the geographic area meets the criteria under section 2007(10)(B) and (C); and

“(ii) the Secretary determines, based on an assessment of threat, vulnerability, and consequence, that certifying the geographic area as a region under this title is in the interest of national homeland security.

“(B) EXISTING URBAN AREA SECURITY INITIATIVE AREAS.—Notwithstanding section 2007(10)(B) and (C), a geographic area that, on or before the date of enactment of the Improving America's Security Act of 2007, was designated as a high-threat urban area for purposes of the Urban Area Security Initiative, shall be certified by the Secretary as a region unless the Secretary determines, based on an assessment of threat, vulnerability, and consequence, that certifying the geographic area as a region is not in the interest of national homeland security.

“(b) GRANT CRITERIA.—In awarding covered grants, the Secretary shall assist States, local governments, and operators of airports, ports, or similar facilities in achieving, maintaining, and enhancing the essential capabilities established by the Secretary under section 2003.

“(c) STATE HOMELAND SECURITY PLANS.—

“(1) SUBMISSION OF PLANS.—The Secretary shall require that any State applying to the Secretary for a covered grant shall submit to the Secretary a 3-year State homeland security plan that—

“(A) demonstrates the extent to which the State has achieved the essential capabilities that apply to the State;

“(B) demonstrates the needs of the State necessary to achieve, maintain, or enhance the essential capabilities that apply to the State;

“(C) includes a prioritization of such needs based on threat, vulnerability, and consequence assessment factors applicable to the State;

“(D) describes how the State intends—

“(i) to address such needs at the city, county, regional, tribal, State, and interstate level, including a precise description of any regional structure the State has established for the purpose of organizing homeland security preparedness activities funded by covered grants;

“(ii) to use all Federal, State, and local resources available for the purpose of addressing such needs; and

“(iii) to give particular emphasis to regional planning and cooperation, including

the activities of multijurisdictional planning agencies governed by local officials, both within its jurisdictional borders and with neighboring States;

“(E) is developed in consultation with and subject to appropriate comment by local governments within the State; and

“(F) with respect to the emergency preparedness of first responders, addresses the unique aspects of terrorism as part of a comprehensive State emergency management plan.

“(2) APPROVAL BY SECRETARY.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

“(d) CONSISTENCY WITH STATE PLANS.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated manner, the applicable State homeland security plan or plans.

“(e) APPLICATION FOR GRANT.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, any State, region, directly eligible tribe, or operator of an airport, port, or similar facility may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

“(2) DEADLINES FOR APPLICATIONS AND AWARDS.—All applications for covered grants shall be submitted at such time as the Secretary may reasonably require for the fiscal year for which they are submitted. The Secretary shall award covered grants for all approved applications for such fiscal year as soon as practicable, but not later than March 1 of such year.

“(3) AVAILABILITY OF FUNDS.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the second subsequent fiscal year.

“(4) MINIMUM CONTENTS OF APPLICATION.—The Secretary shall require that each applicant include in its application, at a minimum—

“(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the essential capabilities for terrorism preparedness within the State, region, or directly eligible tribe or at the airport, port, or similar facility to which the application pertains;

“(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 2006(g)(1), would assist in fulfilling the essential capabilities specified in such plan or plans;

“(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

“(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to regions, local governments, and Indian tribes;

“(E) if the applicant is a region—

“(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

“(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant;

“(iii) a designation of a specific individual to serve as regional liaison; and

“(iv) a description of how the governmental entity administering the expenditure

of funds under the covered grant plans to allocate the covered grant funds to States, local governments, and Indian tribes;

“(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds; and

“(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison.

“(5) REGIONAL APPLICATIONS.—

“(A) RELATIONSHIP TO STATE APPLICATIONS.—A regional application—

“(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

“(ii) shall supplement and avoid duplication with such State application; and

“(iii) shall address the unique regional aspects of such region's terrorism preparedness needs beyond those provided for in the application of such State or States.

“(B) STATE REVIEW AND SUBMISSION.—To ensure the consistency required under subsection (d) and the coordination required under subparagraph (A) of this paragraph, an applicant that is a region shall submit its application to each State of which any part is included in the region for review and concurrence before the submission of such application to the Secretary. The regional application shall be transmitted to the Secretary through each such State within 30 days after receipt of the application by that State, unless the Governor of such a State notifies the Secretary, in writing, that such regional application is inconsistent with the State's homeland security plan and provides an explanation of the reasons therefor.

“(C) DISTRIBUTION OF REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application. In no such case shall the State or States pass through to the region less than 80 percent of the regional award.

“(D) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO REGIONS.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

“(E) DIRECT PAYMENTS TO REGIONS.—If any State fails to pass through a regional award to a region as required by subparagraph (C) within 45 days after receiving such award and does not request or receive an extension of such period under section 2006(h)(2), the region may petition the Secretary to receive directly the portion of the regional award that is required to be passed through to such region under subparagraph (C).

“(F) REGIONAL LIAISONS.—A regional liaison designated under paragraph (4)(E)(iii) shall—

“(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness;

“(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region's access to covered grants; and

“(iii) administer, in consultation with State, local, regional, and private officials

within the region, covered grants awarded to the region.

“(6) TRIBAL APPLICATIONS.—

“(A) SUBMISSION TO THE STATE OR STATES.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe shall submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

“(B) OPPORTUNITY FOR STATE COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe's application with the State's homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

“(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

“(D) TRIBAL LIAISON.—A tribal liaison designated under paragraph (4)(G) shall—

“(i) coordinate with Federal, State, and private sector officials to assist in the development of the application of such tribe and to improve the tribe's access to covered grants; and

“(ii) administer, in consultation with State, local, regional, and private officials, covered grants awarded to such tribe.

“(E) LIMITATION ON THE NUMBER OF DIRECT GRANTS.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

“(F) TRIBES NOT RECEIVING DIRECT GRANTS.—An Indian tribe that does not receive a grant directly under this section is eligible to receive funds under a covered grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 2006(g)(1), the tribe may request payment under section 2006(h)(3) in the same manner as a local government.

“(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary under section 2005(a), the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

“(f) HOMELAND SECURITY GRANTS BOARD.—

“(1) ESTABLISHMENT OF BOARD.—The Secretary shall establish a Homeland Security Grants Board, consisting of—

“(A) the Secretary;

“(B) the Deputy Secretary of Homeland Security;

“(C) the Under Secretary for Emergency Preparedness and Response;

“(D) the Under Secretary for Border and Transportation Security;

“(E) the Under Secretary for Information Analysis and Infrastructure Protection;

“(F) the Under Secretary for Science and Technology; and

“(G) the Director of the Office of State and Local Government Coordination.

“(2) CHAIRMAN.—

“(A) IN GENERAL.—The Secretary shall be the Chairman of the Board.

“(B) EXERCISE OF AUTHORITIES BY DEPUTY SECRETARY.—The Deputy Secretary of Homeland Security may exercise the authorities of the Chairman, if the Secretary so directs.

“(3) RISK-BASED RANKING OF GRANT APPLICATIONS.—

“(A) PRIORITIZATION OF GRANTS.—The Board—

“(i) shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons and critical infrastructure; and

“(ii) in evaluating the threat to persons and critical infrastructure for purposes of prioritizing covered grants, shall give greater weight to threats of terrorism based on their specificity and credibility, including any pattern of repetition.

“(B) MINIMUM AMOUNTS.—

“(i) IN GENERAL.—After evaluating and prioritizing grant applications under subparagraph (A), the Board shall ensure that, for each fiscal year, each State that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for the State Homeland Security Grant Program, as described in section 2001(b)(1), for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of additional needs under subsection (c)(1)(C).

“(ii) OTHER ENTITIES.—Notwithstanding clause (i), the Board shall ensure that, for each fiscal year, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive 0.08 percent of the funds available for the State Homeland Security Grant Program, as described in section 2001(b)(1), for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of additional needs under subsection (c)(1)(C).

“(4) FUNCTIONS OF UNDER SECRETARIES.—The Under Secretaries referred to in paragraph (1) shall seek to ensure that the relevant expertise and input of the staff of their directorates are available to and considered by the Board.”

SEC. 202. ESSENTIAL CAPABILITIES, TASK FORCES, AND STANDARDS.

The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.), as amended by section 201, is amended by adding at the end the following:

“SEC. 2003. ESSENTIAL CAPABILITIES FOR HOMELAND SECURITY.

“(a) ESTABLISHMENT OF ESSENTIAL CAPABILITIES.—

“(1) IN GENERAL.—For purposes of making covered grants, the Secretary shall establish clearly defined essential capabilities for State and local government preparedness for terrorism, in consultation with—

“(A) the Task Force on Essential Capabilities established under section 2004;

“(B) the Under Secretaries for Emergency Preparedness and Response, Border and Transportation Security, Information Analysis and Infrastructure Protection, and Science and Technology, and the Director of the Office of State and Local Government Coordination;

“(C) the Secretary of Health and Human Services;

“(D) other appropriate Federal agencies;

“(E) State and local first responder agencies and officials; and

“(F) consensus-based standard making organizations responsible for setting standards relevant to the first responder community.

“(2) DEADLINES.—The Secretary shall—

“(A) establish essential capabilities under paragraph (1) within 30 days after receipt of the report under section 2004(b); and

“(B) regularly update such essential capabilities as necessary, but not less than every 3 years.

“(3) PROVISION OF ESSENTIAL CAPABILITIES.—The Secretary shall ensure that a detailed description of the essential capabilities established under paragraph (1) is provided promptly to the States and to Congress. The States shall make the essential capabilities available as necessary and appropriate to local governments and operators of airports, ports, and other similar facilities within their jurisdictions.

“(b) OBJECTIVES.—The Secretary shall ensure that essential capabilities established under subsection (a)(1) meet the following objectives:

“(1) SPECIFICITY.—The determination of essential capabilities specifically shall describe the training, planning, personnel, and equipment that different types of communities in the Nation should possess, or to which they should have access, in order to meet the Department's goals for terrorism preparedness based upon—

“(A) the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States;

“(B) the types of threats, vulnerabilities, geography, size, and other factors that the Secretary has determined to be applicable to each different type of community; and

“(C) the principles of regional coordination and mutual aid among State and local governments.

“(2) FLEXIBILITY.—The establishment of essential capabilities shall be sufficiently flexible to allow State and local government officials to set priorities based on particular needs, while reaching nationally determined terrorism preparedness levels within a specified time period.

“(3) MEASURABILITY.—The establishment of essential capabilities shall be designed to enable measurement of progress toward specific terrorism preparedness goals.

“(4) COMPREHENSIVENESS.—The determination of essential capabilities for terrorism preparedness shall be made within the context of a comprehensive State emergency management system.

“(c) FACTORS TO BE CONSIDERED.—

“(1) IN GENERAL.—In establishing essential capabilities under subsection (a)(1), the Secretary specifically shall consider the variables of threat, vulnerability, and consequences with respect to the Nation's population (including transient commuting and tourist populations) and critical infrastructure. Such consideration shall be based upon the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States.

“(2) CRITICAL INFRASTRUCTURE SECTORS.—The Secretary specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the Nation, urban and rural:

“(A) Agriculture.

“(B) Banking and finance.

“(C) Chemical industries.

“(D) The defense industrial base.

“(E) Emergency services.

“(F) Energy.

“(G) Food.

“(H) Government.

“(I) Postal and shipping.

“(J) Public health.

“(K) Information and telecommunications networks.

“(L) Transportation.

“(M) Water.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

“(3) TYPES OF THREAT.—The Secretary specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the Nation, urban and rural:

“(A) Biological threats.

“(B) Nuclear threats.

“(C) Radiological threats.

“(D) Incendiary threats.

“(E) Chemical threats.

“(F) Explosives.

“(G) Suicide bombers.

“(H) Cyber threats.

“(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

“(4) CONSIDERATION OF ADDITIONAL FACTORS.—In establishing essential capabilities under subsection (a)(1), the Secretary shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Secretary has determined to exist.

“SEC. 2004. TASK FORCE ON ESSENTIAL CAPABILITIES.

“(a) ESTABLISHMENT.—To assist the Secretary in establishing essential capabilities under section 2003(a)(1), the Secretary shall establish an advisory body pursuant to section 871(a) not later than 60 days after the date of the enactment of this section, which shall be known as the Task Force on Essential Capabilities.

“(b) REPORT.—

“(1) IN GENERAL.—The Task Force shall submit to the Secretary, not later than 9 months after its establishment by the Secretary under subsection (a) and every 3 years thereafter, a report on its recommendations for essential capabilities for preparedness for terrorism.

“(2) CONTENTS.—The report shall—

“(A) include a priority ranking of essential capabilities in order to provide guidance to the Secretary and to Congress on determining the appropriate allocation of, and funding levels for, first responder needs;

“(B) set forth a methodology by which any State or local government will be able to determine the extent to which it possesses or has access to the essential capabilities that States and local governments having similar risks should obtain;

“(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment;

“(D) include such additional matters as the Secretary may specify in order to further the terrorism preparedness capabilities of first responders; and

“(E) include such revisions to the contents of past reports as are necessary to take into account changes in the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection or other relevant information as determined by the Secretary.

“(3) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Task Force shall ensure that its recommendations for essential capabilities are, to the extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established

under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d-6(a)).

“(4) COMPREHENSIVENESS.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness are made within the context of a comprehensive State emergency management system.

“(5) PRIOR MEASURES.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness take into account any capabilities that State or local officials have determined to be essential and have undertaken since September 11, 2001, to prevent or prepare for terrorist attacks.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Task Force shall consist of 35 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic and substantive cross section of governmental and nongovernmental first responder disciplines from the State and local levels, including as appropriate—

“(A) members selected from the emergency response field, including fire service and law enforcement, hazardous materials response, emergency medical services, and emergency management personnel (including public works personnel routinely engaged in emergency response);

“(B) health scientists, emergency and inpatient medical providers, and public health professionals, including experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism, and experts in providing mental health care during emergency response operations;

“(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representation from the voluntary consensus codes and standards development community, particularly those with expertise in first responder disciplines; and

“(D) State and local officials with expertise in terrorism preparedness, subject to the condition that if any such official is an elected official representing 1 of the 2 major political parties, an equal number of elected officials shall be selected from each such party.

“(2) COORDINATION WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Secretary shall coordinate the selection with the Secretary of Health and Human Services.

“(3) EX OFFICIO MEMBERS.—The Secretary and the Secretary of Health and Human Services shall each designate 1 or more officers of their respective Departments to serve as ex officio members of the Task Force. One of the ex officio members from the Department of Homeland Security shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 App. U.S.C.).

“(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding section 871(a), the Federal Advisory Committee Act (5 U.S.C. App.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Task Force.

“SEC. 2005. NATIONAL STANDARDS FOR FIRST RESPONDER EQUIPMENT AND TRAINING.

“(a) EQUIPMENT STANDARDS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office of State and Local Government Coordination, shall, not later than 6 months

after the date of enactment of this section, support the development of, promulgate, and update as necessary national voluntary consensus standards for the performance, use, and validation of first responder equipment for purposes of section 2002(e)(7). Such standards—

“(A) shall be, to the maximum extent practicable, consistent with any existing voluntary consensus standards;

“(B) shall take into account, as appropriate, new types of terrorism threats that may not have been contemplated when such existing standards were developed;

“(C) shall be focused on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety; and

“(D) shall cover all appropriate uses of the equipment.

“(2) **REQUIRED CATEGORIES.**—In carrying out paragraph (1), the Secretary shall specifically consider the following categories of first responder equipment:

“(A) Thermal imaging equipment.

“(B) Radiation detection and analysis equipment.

“(C) Biological detection and analysis equipment.

“(D) Chemical detection and analysis equipment.

“(E) Decontamination and sterilization equipment.

“(F) Personal protective equipment, including garments, boots, gloves, and hoods, and other protective clothing.

“(G) Respiratory protection equipment.

“(H) Interoperable communications, including wireless and wireline voice, video, and data networks.

“(I) Explosive mitigation devices and explosive detection and analysis equipment.

“(J) Containment vessels.

“(K) Contaminant-resistant vehicles.

“(L) Such other equipment for which the Secretary determines that national voluntary consensus standards would be appropriate.

“(b) **TRAINING STANDARDS.**—

“(1) **IN GENERAL.**—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office of State and Local Government Coordination, shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for first responder training carried out with amounts provided under covered grant programs, that will enable State and local government first responders to achieve optimal levels of terrorism preparedness as quickly as practicable. Such standards shall give priority to providing training to—

“(A) enable first responders to prevent, prepare for, respond to, and mitigate terrorist threats, including threats from chemical, biological, nuclear, and radiological weapons and explosive devices capable of inflicting significant human casualties; and

“(B) familiarize first responders with the proper use of equipment, including software, developed pursuant to the standards established under subsection (a).

“(2) **REQUIRED CATEGORIES.**—In carrying out paragraph (1), the Secretary specifically shall include the following categories of first responder activities:

“(A) Regional planning.

“(B) Joint exercises.

“(C) Intelligence collection, analysis, and sharing.

“(D) Emergency notification of affected populations.

“(E) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.

“(F) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.

“(3) **CONSISTENCY.**—In carrying out this subsection, the Secretary shall ensure that such training standards are consistent with the principles of emergency preparedness for all hazards.

“(c) **CONSULTATION WITH STANDARDS ORGANIZATIONS.**—In establishing national voluntary consensus standards for first responder equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including—

“(1) the National Institute of Standards and Technology;

“(2) the National Fire Protection Association;

“(3) the National Association of County and City Health Officials;

“(4) the Association of State and Territorial Health Officials;

“(5) the American National Standards Institute;

“(6) the National Institute of Justice;

“(7) the Inter-Agency Board for Equipment Standardization and Interoperability;

“(8) the National Public Health Performance Standards Program;

“(9) the National Institute for Occupational Safety and Health;

“(10) ASTM International;

“(11) the International Safety Equipment Association;

“(12) the Emergency Management Accreditation Program;

“(13) the National Domestic Preparedness Consortium; and

“(14) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

“(d) **COORDINATION WITH SECRETARY OF HHS.**—In establishing any national voluntary consensus standards under this section for first responder equipment or training that involve or relate to health professionals, including emergency medical professionals, the Secretary shall coordinate activities under this section with the Secretary of Health and Human Services.”.

SEC. 203. EFFECTIVE ADMINISTRATION OF HOMELAND SECURITY GRANTS.

(a) **USE OF GRANT FUNDS AND ACCOUNTABILITY.**—The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.), as amended by sections 201 and 202, is amended by adding at the end the following:

“SEC. 2006. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

“(a) **IN GENERAL.**—A covered grant may be used for—

“(1) purchasing, upgrading, or maintaining equipment, including computer software, to enhance terrorism preparedness and response;

“(2) exercises to strengthen terrorism preparedness and response;

“(3) training for prevention (including detection) of, preparedness for, or response to attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

“(4) developing or updating response plans;

“(5) establishing or enhancing mechanisms for sharing terrorism threat information;

“(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, life-cycle systems design, product and technology evaluation, and prototype development for terrorism preparedness and response purposes;

“(7) additional personnel costs resulting from—

“(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

“(B) travel to and participation in exercises and training in the use of equipment and on prevention activities;

“(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities; and

“(D) participation in information, investigative, and intelligence-sharing activities specifically related to terrorism prevention;

“(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

“(9) target hardening to reduce the vulnerability of high-value targets, as determined by the Secretary;

“(10) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

“(A) \$1,000,000 per project; or

“(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the covered grant;

“(11) the costs of commercially available interoperable communications equipment (which, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Chairman of the Federal Communications Commission, determines best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

“(12) educational curricula development for first responders to ensure that they are prepared for terrorist attacks;

“(13) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prepare for and respond to an act of terrorism;

“(14) paying of administrative expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant; and

“(15) other appropriate activities as determined by the Secretary.

“(b) **PROHIBITED USES.**—Funds provided as a covered grant may not be used—

“(1) to supplant State or local funds that have been obligated for a homeland security or other first responder-related project;

“(2) to construct buildings or other physical facilities, except for—

“(A) activities under section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196); and

“(B) upgrading facilities to protect against, test for, and treat the effects of biological agents, which shall be included in the homeland security plan approved by the Secretary under section 2002(c);

“(3) to acquire land; or

“(4) for any State or local government cost-sharing contribution.

“(c) **MULTIPLE-PURPOSE FUNDS.**—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving essential capabilities for terrorism preparedness established by the Secretary under section 2003.

“(d) REIMBURSEMENT OF COSTS.—In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

“(e) ASSISTANCE REQUIREMENT.—The Secretary may not request that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary pays the costs directly attributable to transporting and operating such equipment during such response.

“(f) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

“(g) STATE, REGIONAL, AND TRIBAL RESPONSIBILITIES.—

“(1) PASS-THROUGH.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a combination of funds and resources having value equal to at least 80 percent of the amount of the grant, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

“(2) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—Any State that receives a covered grant shall certify to the Secretary, by not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that the State has made available for expenditure by local governments, first responders, and other local groups the required amount of grant funds under paragraph (1).

“(3) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit a quarterly report to the Secretary not later than 30 days after the end of each fiscal quarter. Each report shall include, for each recipient of a covered grant or a pass-through under paragraph (1)—

“(A) the amount obligated to that recipient in that quarter;

“(B) the amount expended by that recipient in that quarter; and

“(C) a summary description of the items purchased by such recipient with such amount.

“(4) ANNUAL REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each fiscal year. Each recipient of a covered grant that is a region shall simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe shall simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report shall include the following:

“(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant during the previous fiscal year.

“(B) The amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

“(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

“(D) The extent to which essential capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

“(E) The extent to which essential capabilities identified in the applicable State homeland security plan or plans remain unmet.

“(5) INCLUSION OF RESTRICTED ANNEXES.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (4) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

“(6) PROVISION OF REPORTS.—The Secretary shall ensure that each annual report under paragraph (4) is provided to the Under Secretary for Emergency Preparedness and Response and the Director of the Office of State and Local Government Coordination.

“(h) INCENTIVES TO EFFICIENT ADMINISTRATION OF HOMELAND SECURITY GRANTS.—

“(1) PENALTIES FOR DELAY IN PASSING THROUGH LOCAL SHARE.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, the Secretary may—

“(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

“(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

“(C) impose additional restrictions or burdens on the recipient's use of funds under the grant, which may include—

“(i) prohibiting use of such funds to pay the grant recipient's grant-related overtime or other expenses;

“(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

“(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 20 percent of the total amount of the grant.

“(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Secretary extend the 45-day period under section 2002(e)(5)(E) or paragraph (1) of this subsection for an additional 15-day period. The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detrimental im-

pact on such entities' terrorism preparedness efforts.

“(3) PROVISION OF NON-LOCAL SHARE TO LOCAL GOVERNMENT.—

“(A) IN GENERAL.—The Secretary may upon request by a local government pay to the local government a portion of the amount of a covered grant awarded to a State in which the local government is located, if—

“(i) the local government will use the amount paid to expedite planned enhancements to its terrorism preparedness as described in any applicable State homeland security plan or plans;

“(ii) the State has failed to pass through funds or resources in accordance with subsection (g)(1); and

“(iii) the local government complies with subparagraph (B).

“(B) SHOWING REQUIRED.—To receive a payment under this paragraph, a local government must demonstrate that—

“(i) it is identified explicitly as an ultimate recipient or intended beneficiary in the approved grant application;

“(ii) it was intended by the grantee to receive a severable portion of the overall grant for a specific purpose that is identified in the grant application;

“(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

“(iv) it did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.

“(C) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this paragraph—

“(i) shall not affect any payment to another local government under this paragraph; and

“(ii) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

“(D) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall approve or disapprove each request for payment under this paragraph by not later than 15 days after the date the request is received by the Department.

“(i) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to Congress by December 31 of each year—

“(1) describing in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year;

“(2) containing information on the use of such grant funds by grantees; and

“(3) describing—

“(A) the Nation's progress in achieving, maintaining, and enhancing the essential capabilities established under section 2003(a) as a result of the expenditure of covered grant funds during the preceding fiscal year; and

“(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established under section 2003(a).”.

(b) SENSE OF CONGRESS REGARDING CITIZEN CORPS COUNCILS.—

(1) FINDING.—Congress finds that Citizen Corps councils help to enhance local citizen participation in terrorism preparedness by coordinating multiple Citizen Corps programs, developing community action plans, assessing possible threats, and identifying local resources.

(2) SENSE OF CONGRESS.—It is the sense of Congress that individual Citizen Corps councils should seek to enhance the preparedness and response capabilities of all organizations participating in the councils, including by

providing funding to as many of their participating organizations as practicable to promote local terrorism preparedness programs.

(c) **REQUIRED COORDINATION.**—The Secretary shall ensure that there is effective and ongoing coordination of Federal efforts to prevent, prepare for, and respond to acts of terrorism and other major disasters and emergencies among the divisions of the Department, including the Directorate of Emergency Preparedness and Response and the Office for State and Local Government Coordination and Preparedness.

(d) **COORDINATION OF INDUSTRY EFFORTS.**—Section 102(f) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)) is amended—

(1) in paragraph (9), by striking “and” after the semicolon;

(2) in paragraph (10), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(11) coordinating industry efforts, with respect to functions of the Department, to identify private sector resources and capabilities that could be effective in supplementing Federal, State, and local government agency efforts to prevent or respond to a terrorist attack.”.

(e) **STUDY REGARDING NATIONWIDE EMERGENCY NOTIFICATION SYSTEM.**—

(1) **STUDY.**—The Secretary, in consultation with the heads of other appropriate Federal agencies and representatives of providers and participants in the telecommunications industry, shall conduct a study to determine whether it is cost effective, efficient, and feasible to establish and implement an emergency telephonic alert notification system that will—

(A) alert persons in the United States of imminent or current hazardous events caused by acts of terrorism; and

(B) provide information to individuals regarding appropriate measures that may be undertaken to alleviate or minimize threats to their safety and welfare posed by such events.

(2) **TECHNOLOGIES TO CONSIDER.**—In conducting the study under paragraph (1), the Secretary shall consider the use of the telephone, wireless communications, and other existing communications networks to provide such notification.

(3) **REPORT.**—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to Congress a report regarding the conclusions of the study conducted under paragraph (1).

(f) **STUDY OF EXPANSION OF AREA OF JURISDICTION OF OFFICE OF NATIONAL CAPITAL REGION COORDINATION.**—

(1) **STUDY.**—The Secretary, acting through the Director of the Office of National Capital Region Coordination, shall conduct a study of the feasibility and desirability of modifying the definition of “National Capital Region” applicable under section 882 of the Homeland Security Act of 2002 (6 U.S.C. 462) to expand the geographic area under the jurisdiction of the Office of National Capital Region Coordination.

(2) **FACTORS.**—In conducting the study under paragraph (1), the Secretary shall analyze whether expanding the geographic area under the jurisdiction of the Office of National Capital Region Coordination will—

(A) promote coordination among State and local governments within the Region, including regional governing bodies, and coordination of the efforts of first responders; and

(B) enhance the ability of such State and local governments and the Federal Government to prevent and respond to a terrorist attack within the Region.

(3) **REPORT.**—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit a report to Congress

on the study conducted under paragraph (1), and shall include in the report such recommendations (including recommendations for legislation to amend section 882 of the Homeland Security Act of 2002 (6 U.S.C. 462)) as the Secretary considers appropriate.

(g) **STUDY OF RISK ALLOCATION FOR PORT SECURITY GRANTS.**—

(1) **STUDY.**—The Secretary shall conduct a study of the factors to be used for the allocation of funds based on risk for port security grants made under section 70107 of title 46, United States Code.

(2) **FACTORS.**—In conducting the study, the Secretary shall analyze the volume of international trade and economic significance of each port.

(3) **REPORT.**—Not later than 90 days after the enactment of the Act, the Secretary shall submit a report to Congress on the study and shall include recommendations for using such factors in allocating grant funds to ports.

(h) **STUDY OF ALLOCATION OF ASSISTANCE TO FIREFIGHTER GRANTS.**—

(1) **STUDY.**—The Secretary shall conduct a study of the allocation of grant fund awards made under the Assistance to Firefighter Grants program and shall analyze the distribution of awards by State.

(2) **FACTORS.**—In conducting the study, the Secretary shall analyze the number of awards and the per capita amount of grant funds awarded to each State and the level of unmet firefighting equipment needs in each State. The study shall also analyze whether allowing local departments to submit more than 1 annual application and expanding the list of eligible applicants for such grants to include States will enhance the ability of State and local governments to respond to fires.

(3) **REPORT.**—Not later than 90 days after the date of enactment of the Act, the Secretary shall submit a report to Congress on the study and shall include recommendations for legislation amending the factors used in allocating grant funds to insure that critical firefighting needs are addressed by the program in all areas of the Nation.

SEC. 204. MINIMUM PERFORMANCE REQUIREMENTS.

The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.), as amended by sections 201, 202, and 203 is amended by adding at the end the following:

“SEC. 207. MINIMUM PERFORMANCE REQUIREMENTS.

“(a) **IN GENERAL.**—The Administrator shall—

“(1) establish minimum performance requirements for entities that receive homeland security grants;

“(2) conduct, in coordination with State, regional, local, and tribal governments receiving grants under the Homeland Security Grant Program, simulations and exercises to test the minimum performance requirements established under paragraph (1) for—

“(A) emergencies (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) and major disasters not less than twice each year; and

“(B) catastrophic incidents (as that term is defined in section 501) not less than once each year; and

“(3) ensure that entities that the Administrator determines are failing to demonstrate minimum performance requirements established under paragraph (1) shall remedy the areas of failure, not later than the end of the second full fiscal year after the date of such determination by—

“(A) establishing a plan for the achievement of the minimum performance requirements under paragraph (1), including—

“(i) developing intermediate indicators for the 2 fiscal years following the date of such determination; and

“(ii) conducting additional simulations and exercises; and

“(B) revising an entity’s homeland security plan, if necessary, to achieve the minimum performance requirements under paragraph (1).

“(b) **WAIVER.**—At the discretion of the Administrator, the occurrence of an actual emergency, major disaster, or catastrophic incident in an area may be deemed as a simulation under subsection (a)(2).

“(c) **REPORT TO CONGRESS.**—Not later than the end of the first full fiscal year after the date of enactment of the Improving America’s Security Act of 2007, and each fiscal year thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and to the Committee on Homeland Security of the House of Representatives a report describing—

“(1) the performance of grantees under subsection (a)(1);

“(2) lessons learned through the simulations and exercises under subsection (a)(2); and

“(3) efforts being made to remedy failed performance under subsection (a)(3).”.

SEC. 205. AUDITS.

The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.), as amended by sections 201, 202, 203, and 204 is amended by adding at the end the following:

“SEC. 208. AUDITING.

“(a) **AUDIT OF GRANTS.**—

“(1) **IN GENERAL.**—Not later than the date described in paragraph (2), and every 2 years thereafter, the Inspector General of the Department shall conduct an audit of each entity that receives a covered grant or a grant under section 1809 to evaluate the use of funds under such grant program by such entity.

“(2) **TIMING.**—The date described in this paragraph is the later of 2 years after—

“(A) the date of enactment of the Improving America’s Security Act of 2007; and

“(B) the date that an entity first receives a covered grant or a grant under section 1809, as the case may be.

“(3) **CONTENTS.**—Each audit under this subsection shall evaluate—

“(A) the use of funds under the relevant grant program by an entity during the 2 full fiscal years before the date of that audit; and

“(B) whether funds under that grant program were used by that entity as required by law.

“(4) **PUBLIC AVAILABILITY ON WEBSITE.**—The Inspector General of the Department shall make each audit under this subsection available on the website of the Inspector General.

“(5) **REPORTING.**—

“(A) **IN GENERAL.**—Not later than 2 years and 60 days after the date of enactment of the Improving America’s Security Act of 2007, and annually thereafter, the Inspector General of the Department shall submit to Congress a consolidated report regarding the audits conducted under this subsection.

“(B) **CONTENTS.**—Each report submitted under this paragraph shall describe—

“(i) for the first such report, the audits conducted under this subsection during the 2-year period beginning on the date of enactment of the Improving America’s Security Act of 2007; and

“(ii) for each subsequent such report, the audits conducted under this subsection during the fiscal year before the date of the submission of that report;

“(ii) whether funds under each grant audited during the period described in clause (i) that is applicable to such report were used as required by law.

“(b) AUDIT OF OTHER PREPAREDNESS GRANTS.—

“(1) IN GENERAL.—Not later than the date described in paragraph (2), the Inspector General of the Department shall conduct an audit of each entity that receives a covered grant or a grant under section 1809 to evaluate the use by that entity of any grant for preparedness administered by the Department that was awarded before the date of enactment of the Improving America's Security Act of 2007.

“(2) TIMING.—The date described in this paragraph is the later of 2 years after—

“(A) the date of enactment of the Improving America's Security Act of 2007; and

“(B) the date that an entity first receives a covered grant or a grant under section 1809, as the case may be.

“(3) CONTENTS.—Each audit under this subsection shall evaluate—

“(A) the use of funds by an entity under any grant for preparedness administered by the Department that was awarded before the date of enactment of the Improving America's Security Act of 2007;

“(B) whether funds under each such grant program were used by that entity as required by law; and

“(C) the extent to which such funds were used to enhance preparedness.

“(4) PUBLIC AVAILABILITY ON WEBSITE.—The Inspector General of the Department shall make each audit under this subsection available on the website of the Inspector General.

“(5) REPORTING.—

“(A) IN GENERAL.—Not later than 2 years and 60 days after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Inspector General of the Department shall submit to Congress a consolidated report regarding the audits conducted under this subsection.

“(B) CONTENTS.—Each report submitted under this paragraph shall describe—

“(i) for the first such report, the audits conducted under this subsection during the 2-year period beginning on the date of enactment of the Improving America's Security Act of 2007; and

“(ii) for each subsequent such report, the audits conducted under this subsection during the fiscal year before the date of the submission of that report;

“(iii) whether funds under each grant audited were used as required by law; and

“(iv) the extent to which funds under each grant audited were used to enhance preparedness.

“(c) FUNDING FOR AUDITS.—

“(1) IN GENERAL.—The Administrator shall withhold 1 percent of the total amount of each covered grant or a grant under section 1809 for audits under this section.

“(2) AVAILABILITY OF FUNDS.—The Administrator shall make amounts withheld under this subsection available as follows:

“(A) Amounts withheld from grants under the State Homeland Security Grant Program shall be made available for audits under this section of entities receiving grants under the State Homeland Security Grant Program.

“(B) Amounts withheld from grants under the Urban Area Security Initiative shall be made available for audits under this section of entities receiving grants under the Urban Area Security Initiative.

“(C) Amounts withheld from grants under the Law Enforcement Terrorism Prevention Program shall be made available for audits under this section of entities receiving grants under the Law Enforcement Terrorism Prevention Grant Program.

“(D) Amounts withheld from grants under the Citizen Corps Program shall be made available for audits under this section of entities receiving grants under the Citizen Corps Program.

“(E) Amounts withheld from grants under section 1809 shall be made available for audits under this section of entities receiving grants under section 1809.”

SEC. 206. IMPLEMENTATION; DEFINITIONS; TABLE OF CONTENTS.

(a) TECHNICAL AND CONFORMING AMENDMENT.—Section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714) is amended—

(1) by striking subsection (c)(3);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

“(c) ADMINISTRATION.—Grants under this section shall be administered in accordance with title XX of the Homeland Security Act of 2002.”

(b) TEMPORARY LIMITATIONS ON APPLICATION.—

(1) 1-YEAR DELAY IN APPLICATION.—The following provisions of title XX of the Homeland Security Act of 2002, as added by this Act, shall not apply during the 1-year period beginning on the date of enactment of this Act—

(A) Subsections (b), (c), and (e)(4) (A) and (B) of section 2002; and

(B) In section 2002(f)(3)(A)(i), the phrase “by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis.”

(2) 2-YEAR DELAY IN APPLICATION.—The following provisions of title XX of the Homeland Security Act of 2002, as added by this Act, shall not apply during the 2-year period beginning on the date of enactment of this Act—

(A) Subparagraphs (D) and (E) of section 2006(g)(4); and

(B) Section 2006(i)(3).

(c) DEFINITIONS.—

(1) TITLE XX.—Title XX of the Homeland Security Act of 2002, as amended by sections 201, 202, 203, 204, and 205 is amended by adding at the end the following:

“SEC. 2009. DEFINITIONS.

“In this title:

“(1) BOARD.—The term ‘Board’ means the Homeland Security Grants Board established under section 2002(f).

“(2) CONSEQUENCE.—The term ‘consequence’ means the assessment of the effect of a completed attack.

“(3) COVERED GRANT.—The term ‘covered grant’ means any grant to which this title applies under section 2001(b).

“(4) DIRECTLY ELIGIBLE TRIBE.—The term ‘directly eligible tribe’ means any Indian tribe or consortium of Indian tribes that—

“(A) meets the criteria for inclusion in the qualified applicant pool for self-governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

“(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services; and

“(C)(i) is located on, or within 5 miles of, an international border or waterway;

“(ii) is located within 5 miles of a facility designated as high-risk critical infrastructure by the Secretary;

“(iii) is located within or contiguous to 1 of the 50 largest metropolitan statistical areas in the United States; or

“(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

“(5) ELEVATIONS IN THE THREAT ALERT LEVEL.—The term ‘elevations in the threat alert level’ means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second-highest

threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

“(6) EMERGENCY PREPAREDNESS.—The term ‘emergency preparedness’ shall have the same meaning that term has under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a).

“(7) ESSENTIAL CAPABILITIES.—The term ‘essential capabilities’ means the levels, availability, and competence of emergency personnel, planning, training, and equipment across a variety of disciplines needed to effectively and efficiently prevent, prepare for, and respond to acts of terrorism consistent with established practices.

“(8) FIRST RESPONDER.—The term ‘first responder’ shall have the same meaning as the term ‘emergency response provider’ under section 2.

“(9) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(10) REGION.—The term ‘region’ means any geographic area—

“(A) certified by the Secretary under section 2002(a)(3);

“(B) consisting of all or parts of 2 or more counties, municipalities, or other local governments and including a city with a core population exceeding 500,000 according to the most recent estimate available from the United States Census; and

“(C) that, for purposes of an application for a covered grant—

“(i) is represented by 1 or more local governments or governmental agencies within such geographic area; and

“(ii) is established by law or by agreement of 2 or more such local governments or governmental agencies, such as through a mutual aid agreement.

“(11) RISK-BASED FUNDING.—The term ‘risk-based funding’ means the allocation of funds based on an assessment of threat, vulnerability, and consequence.

“(12) TASK FORCE.—The term ‘Task Force’ means the Task Force on Essential Capabilities established under section 2004.

“(13) THREAT.—The term ‘threat’ means the assessment of the plans, intentions, and capability of an adversary to implement an identified attack scenario.

“(14) VULNERABILITY.—The term ‘vulnerability’ means the degree to which a facility is available or accessible to an attack, including the degree to which the facility is inherently secure or has been hardened against such an attack.”

(2) DEFINITION OF EMERGENCY RESPONSE PROVIDERS.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101(6)) is amended by striking “includes” and all that follows and inserting “includes Federal, State, and local governmental and non-governmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.”

(d) TABLE OF CONTENTS.—Section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended in the table of contents by adding at the end the following:

“TITLE XX—RISK-BASED FUNDING FOR HOMELAND SECURITY

“Sec. 2001. Risk-Based funding for homeland security.

- "Sec. 2002. Covered grant eligibility and criteria.
- "Sec. 2003. Essential capabilities for homeland security.
- "Sec. 2004. Task Force on Essential Capabilities.
- "Sec. 2005. National standards for first responder equipment and training.
- "Sec. 2006. Use of funds and accountability requirements.
- "Sec. 2007. Minimum performance requirements.
- "Sec. 2008. Auditing.
- "Sec. 2009. Definitions."

On page 116, line 8, strike "0.75 percent" and insert "0.25 percent".

On page 116, line 13, strike "0.25 percent" and insert "0.08 percent".

On page 347, strike lines 19 through 22, and insert the following:

"(1) result in distributions to public safety entities among the several States that ensure that for each fiscal year—

"(A) no State receives less than an amount equal to 0.25 percent of the total funds appropriated for such grants; and

"(B) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive no less than 0.08 percent of the amounts appropriated for such grants; and

SA 336. Mr. SCHUMER (for himself, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes, as follows:

On page 64, between lines 2 and 3, insert the following:

"(e) PROHIBITION OF PEER REVIEW PROCESS.—The peer review process may not be used in determining the allocation of funds among metropolitan areas applying for grants under this section.

SA 337. Mr. SCHUMER (for himself, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes, as follows:

On page 59, between lines 9 and 10, insert the following:

"(f) USE OF GRANT FUNDS FOR PERSONNEL COSTS.—The Secretary may not provide for any limitation on the percentage or amount of any grant awarded under the Homeland Security Grant Program which may be used for personnel costs, including overtime or backfill costs.

On page 86, strike lines 6 through 20.

SA 338. Mr. OBAMA (for himself, Mr. WARNER, Mr. COBURN, Ms. LANDRIEU, Mr. KENNEDY, Mr. MENENDEZ, Mrs. CLINTON, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and

Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes, which was ordered to lie on the table; as follows:

On page 69, strike line 15 and all that follows through page 70, line 2, and insert the following:

"(d) MINIMUM ALLOCATION.—

"(1) IN GENERAL.—In allocating funds under subsection (c), the Administrator shall ensure that, for each fiscal year—

"(A) except as provided in subparagraph (B), each State (other than the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands) receives an amount equal to not less than 0.25 percent of the total funds appropriated for the State Homeland Security Grant Program;

"(B) each State (other than the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands) that meets any of the additional high-risk qualifying criteria described in paragraph (2) receives an amount equal to not less than 0.45 percent of the total funds appropriated for the State Homeland Security Grant Program;

"(C) the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands each receives an amount equal to not less than 0.08 percent of the total funds appropriated for the State Homeland Security Grant Program; and

"(D) directly eligible tribes collectively receive an amount equal to not less than 0.08 percent of the total funds appropriated for the State Homeland Security Grant Program, except that this subparagraph shall not apply if the Administrator receives less than 5 applications for that fiscal year from directly eligible tribes or does not approve at least 1 such application for that fiscal year.

"(2) ADDITIONAL HIGH-RISK QUALIFYING CRITERIA.—The additional high-risk qualifying criteria described in this paragraph are—

"(A) having an international land border; or

"(B) adjoining a body of water within North America through which an international boundary line extends.

SA 339. Mr. WYDEN (for himself, Mr. LIEBERMAN, Ms. COLLINS, and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. 15. SPECIAL NEEDS REGISTRY PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term "eligible entity" means a non-profit entity that—

(A) possesses expertise in creating a coordinated response among individuals and organizations involved with individuals with special needs;

(B) has a documented successful history of technology implementation and program development in the service of linking public and private organizations in information-sharing initiatives, particularly with and among social agencies;

(C) has expertise in—

(i) managing technology implementations (including 9-1-1 data); and

(ii) using highly secure, auditable, Internet-based information dissemination methods;

(D) has alerting capabilities; and

(E) is capable of creating and managing directories of special needs people;

(2) the terms "emergency" and "major disaster" have the meanings given those terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(3) the terms "emergency response provider" and "local government" have the meanings given those terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101);

(4) the term "pilot program" means the Special Needs Registry Pilot Program established under subsection (b); and

(5) the term "special needs registry" means a voluntary and updatable registry of individuals with special needs that is readily accessible to emergency response providers.

(b) ESTABLISHMENT.—The Secretary shall establish a Special Needs Registry Pilot Program, to establish voluntary and updatable registries of individuals with special needs, readily accessible to emergency response providers to facilitate the evacuation of such individuals in the event of an emergency or major disaster.

(c) SELECTION.—The Secretary shall select an eligible entity to establish or operate a special needs registry in not fewer than 3 locations under the pilot program, including not fewer than—

(1) 1 location in an urban area that has a special needs registry and a system for integrating that registry with emergency response centers;

(2) 1 location in a rural area that has a special needs registry and does not have a system for integrating that registry with emergency response centers; and

(3) 1 location that does not have a special needs registry.

(d) REQUIREMENTS.—A special needs registry established or operated under the pilot program shall—

(1) be voluntary;

(2) have an easily accessible means of registration;

(3) include information regarding individuals with special needs sufficient to allow emergency response providers to find such individuals quickly;

(4) be updated regularly; and

(5) be—

(A) maintained in a secure, private, and encrypted environment; and

(B) distributed to appropriate local, county, State, and Federal emergency operations centers.

(e) REPORTS.—Not later than 10 months after the date that the Secretary selects an eligible entity under subsection (c), the Secretary shall submit to Congress a report—

(1) describing the use of funds under the pilot program; and

(2) recommending whether the pilot program should be extended or modified.

(f) TERMINATION.—The pilot program shall terminate 1 year after the date that the Secretary selects an eligible entity under subsection (c).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$2,000,000 to carry out this section.

SA 340. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the

bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, strike the item relating to section 1336 and insert the following:

Sec. 1336. Unified carrier registration system plan agreement.

Sec. 1337. Authorization of appropriations.

On page 298, strike line 8 and insert the following:

SEC. 1336. UNIFIED CARRIER REGISTRATION SYSTEM PLAN AGREEMENT.

(a) IN GENERAL.—Notwithstanding section 4305(a) of the SAFETEA-LU Act (Public Law 109-59)—

(1) section 14504 of title 49, United States Code, as that section was in effect on December 31, 2006, is re-enacted, effective as of January 1, 2007; and

(2) no fee shall be collected pursuant to section 14504a of title 49, United States Code, until 30 days after the date, as determined by the Secretary of Transportation, on which—

(A) the unified carrier registration system plan and agreement required by that section has been fully implemented; and

(B) the fees have been set by the Secretary under subsection (d)(7)(B) of that section.

(b) REPEAL OF SECTION 14504.—Section 14504 of title 49, United States Code, as re-enacted by this Act, is repealed effective on the date on which fees may be collected under section 14504a of title 49, United States Code, pursuant to subsection (a)(2) of this section.

SEC. 1337. AUTHORIZATION OF APPROPRIATIONS.

SA 341. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, line 16, strike “and” after the semicolon.

On page 124, line 18, strike the period and insert “; and”.

On page 124, between lines 18 and 19, insert the following:

(9) identify solutions to facilitate communications between emergency response providers in communities of differing population densities.

SA 342. Ms. COLLINS (for herself, Mr. STEVENS, Mr. VOINOVICH, Mr. WARNER, Mr. SUNUNU, and Mr. GRASSLEY) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

Strike section 803 (relating to Transportation Security Administration personnel management) and insert the following:

SEC. 803. EMPLOYEE RIGHTS AND ENGAGEMENT MECHANISM FOR PASSENGER AND PROPERTY SCREENERS.

(a) APPEAL RIGHTS; ENGAGEMENT MECHANISM FOR WORKPLACE ISSUES; PAY FOR PERFORMANCE; UNION MEMBERSHIP.—

(1) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended—

(A) by striking “Notwithstanding” and inserting the following:

“(1) IN GENERAL.—Except as provided in section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) and paragraphs (2) through (5), notwithstanding”; and

(B) by adding at the end the following:

“(2) RIGHT TO APPEAL ADVERSE ACTION.—An individual employed or appointed to carry out the screening functions of the Administrator under section 44901 of title 49, United States Code, may submit an appeal of an adverse action covered by section 7512 of title 5, United States Code, and finalized after the date of the enactment of Improving America’s Security Act of 2007, to the Merit Systems Protection Board and may seek judicial review of any resulting orders or decisions of the Merit Systems Protection Board.

“(3) EMPLOYEE ENGAGEMENT MECHANISM FOR ADDRESSING WORKPLACE ISSUES.—At every airport at which the Transportation Security Administration screens passengers and property under section 44901 of title 49, United States Code, the Administrator shall provide a collaborative, integrated employee engagement mechanism to address workplace issues.

“(4) PAY FOR PERFORMANCE.—The Administrator shall establish a system to ensure that an individual described in paragraph (2) is compensated at a level that reflects the performance of such individual rather than the seniority of such individual.

“(5) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an individual described in paragraph (2) from joining a labor organization.”

(2) CONFORMING AMENDMENTS.—Section 111(d)(1) of such Act, as redesignated by paragraph (1)(A), is amended—

(A) by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(B) by striking “Under Secretary” each place it appears and inserting “Administrator”.

(b) WHISTLEBLOWER PROTECTIONS.—Section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) is amended, in the matter preceding paragraph (1), by inserting “, or section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note),” after “this Act”.

(c) REPORTS.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Transportation Security Administration and the Comptroller General of the United States shall each submit an independent report to Congress that contains an assessment of employment matters at the Transportation Security Administration, including the implementation of this section.

SA 343. Ms. CANTWELL (for herself, Mr. DODD, and Mr. FEINGOLD) submitted an amendment intended to be proposed by her to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. COMPREHENSIVE STRATEGY TO REDUCE GLOBAL POVERTY AND ELIMINATE EXTREME GLOBAL POVERTY.

(a) FINDINGS.—Congress makes the following findings:

(1) The 9/11 Commission found that a “comprehensive U.S. strategy to counter terrorism should include economic policies that encourage development, more open societies, and opportunities for people to improve the lives of their families and to enhance prospects for their children’s future”.

(2) Global poverty creates conditions that give rise to terrorism.

(b) DECLARATION OF POLICY.—It is the policy of the United States to promote the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than \$1 per day.

(c) COMPREHENSIVE STRATEGY.—

(1) STRATEGY REQUIRED.—The President, acting through the Secretary of State and in consultation with the heads of other appropriate departments and agencies of the Government of the United States, international organizations, international financial institutions, the governments of developing and developed countries, United States and international nongovernmental organizations, civil society organizations, and other appropriate entities, shall develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than \$1 per day.

(2) CONTENT.—The strategy required under paragraph (1) shall include specific and measurable goals, efforts to be undertaken, benchmarks, and timetables to achieve the objectives described in such paragraph.

(3) GUIDELINES.—The strategy required under paragraph (1) should adhere to the following guidelines:

(A) Continued investment in existing United States initiatives related to international poverty reduction, such as the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 et seq.), the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.), the Heavily Indebted Poor Countries Initiative, and trade preference programs for developing countries.

(B) Increasing overall United States development assistance levels while at the same time improving the effectiveness of such assistance.

(C) Enhancing and expanding debt relief.

(D) Leveraging United States trade policy where possible to enhance economic development prospects for developing countries.

(E) Coordinating efforts and working in cooperation with developed and developing countries, international organizations, and international financial institutions.

(F) Mobilizing and leveraging the participation of businesses, United States and international nongovernmental organizations, civil society, and public-private partnerships.

(G) Coordinating the goal of poverty reduction with other development goals, such as combating the spread of preventable diseases such as HIV/AIDS, tuberculosis, and malaria, increasing access to potable water and basic sanitation, and reducing hunger and malnutrition.

At the appropriate place, insert the following:

SEC. —. COMPREHENSIVE STRATEGY TO REDUCE GLOBAL POVERTY AND ELIMINATE EXTREME GLOBAL POVERTY.

(a) FINDINGS.—Congress makes the following findings:

(1) The 9/11 Commission found that a “comprehensive U.S. strategy to counter terrorism should include economic policies that encourage development, more open societies, and opportunities for people to improve the lives of their families and to enhance prospects for their children’s future”.

(2) Global poverty creates conditions that give rise to terrorism.

(b) DECLARATION OF POLICY.—It is the policy of the United States to promote the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than \$1 per day.

(c) COMPREHENSIVE STRATEGY.—

(1) STRATEGY REQUIRED.—The President, acting through the Secretary of State and in consultation with the heads of other appropriate departments and agencies of the Government of the United States, international organizations, international financial institutions, the governments of developing and developed countries, United States and international nongovernmental organizations, civil society organizations, and other appropriate entities, shall develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than \$1 per day.

(2) CONTENT.—The strategy required under paragraph (1) shall include specific and measurable goals, efforts to be undertaken, benchmarks, and timetables to achieve the objectives described in such paragraph.

(3) GUIDELINES.—The strategy required under paragraph (1) should adhere to the following guidelines:

(A) Continued investment in existing United States initiatives related to international poverty reduction, such as the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 et seq.), the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.), the Heavily Indebted Poor Countries Initiative, and trade preference programs for developing countries.

(B) Increasing overall United States development assistance levels while at the same time improving the effectiveness of such assistance.

(C) Enhancing and expanding debt relief.

(D) Leveraging United States trade policy where possible to enhance economic development prospects for developing countries.

(E) Coordinating efforts and working in cooperation with developed and developing countries, international organizations, and international financial institutions.

(F) Mobilizing and leveraging the participation of businesses, United States and international nongovernmental organizations, civil society, and public-private partnerships.

(G) Coordinating the goal of poverty reduction with other development goals, such as combating the spread of preventable diseases such as HIV/AIDS, tuberculosis, and malaria, increasing access to potable water and basic sanitation, and reducing hunger and malnutrition.

(H) Integrating principles of sustainable development into policies and programs.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act, the President, acting through the Secretary of State, shall transmit to the appropriate congressional committees a report that describes the strategy required under subsection (c).

(2) SUBSEQUENT REPORTS.—Not less than once every year after the submission of the initial report under paragraph (1) until and including 2015, the President shall transmit to the appropriate congressional committees a report on the status of the implementation of the strategy, progress made in achieving the global poverty reduction objectives described in subsection (c)(1), and any changes to the strategy since the date of the submission of the last report.

(e) DEFINITIONS.—In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Finance, and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives.

(2) EXTREME GLOBAL POVERTY.—The term “extreme global poverty” refers to the conditions in which individuals live on less than \$1 per day, adjusted for purchasing power parity in 1993 United States dollars, according to World Bank statistics.

(3) GLOBAL POVERTY.—The term “global poverty” refers to the conditions in which individuals live on less than \$2 per day, adjusted for purchasing power parity in 1993 United States dollars, according to World Bank statistics.

SA 344. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, Mr. REID, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROVISION OF IMMIGRATION BENEFITS FOR VICTIMS OF TERRORISM.

(a) SHORT TITLE.—This section may be cited as the “September 11 Family Humanitarian Relief and Patriotism Act”.

(b) DEFINITIONS.—

(1) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this section, the definitions in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than the definitions applicable exclusively to title III of such Act, shall apply for purposes of this section.

(2) SPECIFIED TERRORIST ACTIVITY.—For purposes of this section, the term “specified terrorist activity” means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

(c) ADJUSTMENT OF STATUS FOR CERTAIN NONIMMIGRANT VICTIMS OF TERRORISM.—

(1) ADJUSTMENT OF STATUS.—

(A) IN GENERAL.—The status of any alien described in paragraph (2) shall be adjusted

by the Secretary to that of an alien lawfully admitted for permanent residence, if the alien—

(i) applies for such adjustment not later than 2 years after the date on which the Secretary promulgates final regulations to implement this subsection; and

(ii) is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) RULES IN APPLYING CERTAIN PROVISIONS.—

(i) IN GENERAL.—In the case of an alien described in paragraph (2) who is applying for adjustment of status under this subsection—

(I) the provisions of section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) shall not apply; and

(II) the Secretary may grant the alien a waiver on the grounds of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(ii) STANDARDS.—In granting waivers under clause (i)(II), the Secretary shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).

(C) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(i) APPLICATION PERMITTED.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may, notwithstanding such order, apply for adjustment of status under subparagraph (A).

(ii) MOTION NOT REQUIRED.—An alien described in clause (i) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order.

(iii) EFFECT OF DECISION.—If the Secretary grants a request under clause (i), the Secretary shall cancel the order. If the Secretary renders a final administrative decision to deny the request, the order shall be effective and enforceable to the same extent as if the application had not been made.

(2) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided under paragraph (1) shall apply to any alien who—

(A) was lawfully present in the United States as a nonimmigrant alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) on September 10, 2001;

(B) was, on such date, the spouse, child, dependent son, or dependent daughter of an alien who—

(i) was lawfully present in the United States as a nonimmigrant alien described in such section 101(a)(15) on such date; and

(ii) died as a direct result of a specified terrorist activity; and

(C) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(3) STAY OF REMOVAL; WORK AUTHORIZATION.—

(a) IN GENERAL.—The Secretary shall establish, by regulation, a process by which an alien subject to a final order of removal may seek a stay of such order based on the filing of an application under paragraph (1).

(B) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary shall not order any alien to be removed from the United States, if the alien is in removal proceedings under any provision of such Act and has applied for adjustment of status under paragraph (1), un-

less the Secretary has rendered a final administrative determination to deny the application.

(C) WORK AUTHORIZATION.—The Secretary shall authorize an alien who has applied for adjustment of status under paragraph (1) to engage in employment in the United States during the pendency of such application.

(4) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary shall provide to applicants for adjustment of status under paragraph (1) the same right to, and procedures for, administrative review as are provided to—

(A) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); or

(B) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

(d) CANCELLATION OF REMOVAL FOR CERTAIN IMMIGRANT VICTIMS OF TERRORISM.—

(1) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (8 U.S.C. 1229b), the Secretary shall, under such section 240A, cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien described in paragraph (2), if the alien applies for such relief.

(2) ALIENS ELIGIBLE FOR CANCELLATION OF REMOVAL.—The benefits provided under paragraph (1) shall apply to any alien who—

(A) was, on September 10, 2001, the spouse, child, dependent son, or dependent daughter of an alien who died as a direct result of a specified terrorist activity; and

(B) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(3) STAY OF REMOVAL; WORK AUTHORIZATION.—

(A) IN GENERAL.—The Secretary shall promulgate regulations to provide for an alien subject to a final order of removal to seek a stay of such order based on the filing of an application under paragraph (1).

(4) WORK AUTHORIZATION.—The Secretary shall authorize an alien who has applied for cancellation of removal under paragraph (1) to engage in employment in the United States during the pendency of such application.

(5) MOTIONS TO REOPEN REMOVAL PROCEEDINGS.—

(A) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen removal proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))), any alien who has become eligible for cancellation of removal as a result of the enactment of this section may file 1 motion to reopen removal proceedings to apply for such relief.

(B) FILING PERIOD.—The Secretary shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of enactment of this Act and shall extend for a period not to exceed 240 days.

(c) EXCEPTIONS.—Notwithstanding any other provision of this Act, an alien may not be provided relief under this section if the alien is—

(1) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or deportable under paragraph (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)), including any individual culpable for a specified terrorist activity; or

(2) a family member of an alien described in paragraph (1).

(f) EVIDENCE OF DEATH.—For purposes of this section, the Secretary shall use the standards established under section 426 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (115 Stat. 362) in determining whether death occurred as a direct result of a specified terrorist activity.

SA 345. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . TRANSFER OF FUNDS FROM DTV TRANSITION AND PUBLIC SAFETY FUND.

(a) IN GENERAL.—Section 3006 of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 24) is repealed.

(b) AUTHORITY OF SECRETARY TO MAKE PAYMENTS FROM FUND.—The Secretary may make payments of not to exceed \$1,000,000,000, in the aggregate, through fiscal year 2009 from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to carry out the emergency communications operability and interoperable communications grant program established in section 1809 of the Homeland Security Act of 2002, as added by section 301(a)(1).

(c) LIMITATIONS.—Grants awarded under section 1809 of the Homeland Security Act of 2002, and funded by sums made available under this section may not exceed—

- (1) \$300,000,000 in fiscal year 2007;
- (2) \$350,000,000 in fiscal year 2008; and
- (3) \$350,000,000 in fiscal year 2009.

SEC. ____ . REPORT TO CONGRESS.

(a) IN GENERAL.—The Secretary, in cooperation with the Chairman of the Federal Communications Commission, shall study the possibility of allowing commercial entities to develop national public safety communications networks that involve commercially based solutions.

(b) CONTENT OF STUDY.—The study required under subsection (a) shall examine the following:

(1) Methods by which the commercial sector can participate in the development of a national public safety communications network.

(2) The feasibility of developing interoperable shared-spectrum networks to be used by both public safety officials and private customers.

(3) The feasibility of licensing public safety spectrum directly to the commercial sector for the creation of an interoperable public safety communications network.

(4) The amount of spectrum required for an interoperable public safety communications network.

(5) The feasibility of having 2 or more competing but interoperable commercial public safety communications networks.

(c) SUBMISSION TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the Secretary shall report to Congress—

(1) the findings of the study required under subsection (a); and

(2) any recommendations for legislative, administrative, or regulatory change that

would assist the Federal Government to implement a national public safety communications network that involves commercially based solutions.

SEC. ____ . REPEAL.

Section 4 of the Call Home Act of 2006 (Public Law 109-459; 120 Stat. 3400) is repealed.

SEC. ____ . RULE OF APPLICATION.

Notwithstanding any other provision of this Act, section 1381 of this Act shall have no force or effect.

SA 346. Mr. INOUE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 260, line 2, after “section” insert “such sums as may be necessary for fiscal year 2007 and”.

On page 262, between lines 18 and 19, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 262, line 19, strike “(A)” and insert “(B)”.

On page 262, line 20, strike “(B)” and insert “(C)”.

On page 262, line 21, strike “(C)” and insert “(D)”.

On page 263, between lines 17 and 18, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 263, line 18, strike “(A)” and insert “(B)”.

On page 263, line 19, strike “(B)” and insert “(C)”.

On page 263, line 20, strike “(C)” and insert “(D)”.

On page 263, line 21, strike “(D)” and insert “(E)”.

On page 263, between lines 25 and 26, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 263, line 26, strike “(A)” and insert “(B)”.

On page 264, line 1, strike “(B)” and insert “(C)”.

On page 264, line 2, strike “(C)” and insert “(D)”.

On page 264, line 3, strike “(D)” and insert “(E)”.

On page 264, between lines 6 and 7, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 264, line 7, strike “(A)” and insert “(B)”.

On page 264, line 8, strike “(B)” and insert “(C)”.

On page 264, line 9, strike “(C)” and insert “(D)”.

On page 264, line 10, strike “(D)” and insert “(E)”.

On page 270, between lines 15 and 16, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 270, line 16, strike “(A)” and insert “(B)”.

On page 270, line 17, strike “(B)” and insert “(C)”.

On page 270, line 18, strike “(C)” and insert “(D)”.

On page 273, between lines 17 and 18, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 273, line 18, strike “(A)” and insert “(B)”.

On page 273, line 19, strike “(B)” and insert “(C)”.

On page 273, line 20, strike “(C)” and insert “(D)”.

On page 278, line 18, strike the closing quotation marks and the second period.

On page 278, between lines 18 and 19, insert the following:

“(g) PASSENGER DEFINED.—In this section, the term ‘passenger’ includes revenue and nonrevenue passengers and Amtrak employees.”.

On page 295, strike lines 4 through 7 and insert the following:

(c) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended to read as follows:

“(a) REGULATIONS AND ORDERS.—The Secretary of Transportation, as necessary, shall prescribe regulations and issue orders for every area of railroad safety supplementing laws and regulations in effect on October 16, 1970. Any regulation prescribed or order issued by the Secretary of Transportation involving railroad safety shall not be subject to challenge, under section 20114(c) of this chapter or under any other provision of law by which such a regulation or order may be subject to judicial review, on the ground that it impacts security.”.

On page 298, line 6, after “section” insert “such sums as may be necessary for fiscal year 2007 and”.

On page 298, between lines 15 and 16, insert the following:

“(1) such sums as may be necessary for fiscal year 2007;

On page 298, line 16, strike “(1)” and insert “(2)”.

On page 298, line 17, strike “(2)” and insert “(3)”.

On page 298, line 18, strike “(3)” and insert “(4)”.

On page 298, between lines 23 and 24, insert the following:

(1) such sums as may be necessary for fiscal year 2007;

On page 298, line 24, strike “(1)” and insert “(2)”.

On page 298, line 25, strike “(2)” and insert “(3)”.

On page 299, line 9, strike “(3)” and insert “(4)”.

On page 299, line 10, strike “(4)” and insert “(5)”.

On page 305, line 17, after “section” insert “such sums as may be necessary for fiscal year 2007 and”.

On page 307, after line 25, insert the following:

“(1) such sums as may be necessary for fiscal year 2007;

On page 308, line 1, strike “(1)” and insert “(2)”.

On page 308, line 2, strike “(2)” and insert “(3)”.

On page 308, line 3, strike “(3)” and insert “(4)”.

On page 311, between lines 24 and 25, insert the following:

“(1) such sums as may be necessary for fiscal year 2007;

On page 311, line 25, strike “(1)” and insert “(2)”.

On page 312, line 1, strike “(2)” and insert “(3)”.

On page 312, line 2, strike “(3)” and insert “(4)”.

On page 321, between lines 10 and 11, insert the following:

“(1) such sums as may be necessary for fiscal year 2007;

On page 321, line 11, strike "(1)" and insert "(2)".

On page 321, line 12, strike "(2)" and insert "(3)".

SA 347. Mr. SESSIONS proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ . SENSE OF CONGRESS ON THE FUNDING OF FENCING AND VEHICLES BARRIERS ALONG THE SOUTHWEST BORDER OF THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) On May 17, 2006, by a vote of 83 to 16, the Senate approved amendment 3979 sponsored by Senator Sessions to Senate Bill 2611 (109th Congress), the Comprehensive Immigration Reform Act of 2006, which required the Secretary of Homeland Security to construct at least 370 miles of fencing and 500 miles of vehicle barriers along the southwest border of the United States.

(2) On August 2, 2006, by a vote of 94 to 3, the Senate approved amendment 4775 sponsored by Senator Sessions to House Bill 5631 (109th Congress), the Department of Defense Appropriations Act, 2007, which included a provision to appropriate \$1,829,000,000 for the construction of 370 miles of fencing and 461 miles of vehicle barriers along the southwest border of the United States.

(3) On September 20, 2006, by a vote of 80 to 19, the Senate approved House Bill 6061 (109th Congress), the Secure Fence Act of 2006, which mandates the construction of fencing and border improvements along the southwest border.

(4) On October 26, 2006, the President signed the Secure Fence Act of 2006 (Public Law 109-367; 120 Stat. 2638), which mandates that "[n]ot later than 18 months after the date of the enactment of this Act, the Secretary of Homeland Security shall take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States," including "physical infrastructure enhancements to prevent unlawful entry by aliens into the United States" into law.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should—

(1) appropriate funds in the Department of Homeland Security Appropriations Act for fiscal year 2008 to fund, at a minimum, the strong commitment to border security represented in the President's budget request for fiscal year 2008, which is consistent with the congressional intent expressed in amendment 3979 sponsored by Senator Sessions to Senate Bill 2611 (109th Congress), amendment 4775 sponsored by Senator Sessions to House Bill 5631 (109th Congress), and the Secure Fence Act of 2006; and

(2) appropriate funds in Department of Homeland Security Appropriations Acts for fiscal years after fiscal year 2008 in a manner consistent with the congressional intent expressed in such amendment 3979, such amendment 4775, and the Secure Fence Act of 2006.

SA 348. Mr. WYDEN (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the

bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . AVAILABILITY OF THE EXECUTIVE SUMMARY OF THE REPORT ON CENTRAL INTELLIGENCE AGENCY ACCOUNTABILITY REGARDING THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) PUBLIC AVAILABILITY.—Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall prepare and make available to the public a version of the Executive Summary of the report entitled the "Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001" issued in June 2005 that is declassified to the maximum extent possible, consistent with national security.

(b) REPORT TO CONGRESS.—The Director of the Central Intelligence Agency shall submit to Congress a classified annex to the redacted Executive Summary made available under subsection (a) that explains the reason that any redacted material in the Executive Summary was withheld from the public.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Monday, March 5, 2007 at 2:30 p.m. for a hearing entitled, A Review of the Transportation Security Administration Personnel System.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE EMPLOYEES OF THE DEPARTMENT OF HOMELAND SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consideration of S. Res. 94, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 94) honoring the employees of the Department of Homeland Security on the 4th anniversary of the Department.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 94) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 94

Whereas the United States must remain vigilant against all threats to the homeland, including acts of terrorism, natural disasters, and other emergencies;

Whereas the Department of Homeland Security marks its 4th anniversary on March 1, 2007;

Whereas the more than 208,000 employees of the Department work tirelessly to carry out the complex mission of securing the Nation from terrorism and natural hazards through protection, prevention, response, and recovery as well as serving the public effectively by facilitating lawful trade, travel, and immigration;

Whereas the Department's employees sacrifice time with their families to work long hours to fulfill the Department's vital mission; and

Whereas the Nation is indebted to the Department's employees for their labors: Now, therefore, be it

Resolved, That the Senate honors the employees of the Department of Homeland Security for their substantial contributions to protecting the Nation on the 4th anniversary of the Department.

MEASURE READ THE FIRST TIME—S. 761

Mr. REID. Mr. President, S. 761, introduced earlier today by Senators REID of Nevada, MCCONNELL, and others, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 761) to invest in innovation and education to improve the competitiveness of the United States in the global economy.

Mr. REID. Mr. President, I will briefly comment on this action. It was a good occasion today. A press conference was held, led by myself and Senator MCCONNELL, with a good bipartisan group of excellent Senators, regarding legislation that would improve America's competitiveness. It is important legislation. It has been worked on by a number of bipartisan Senators, including Senator BINGAMAN. The person who worked on it, from my perspective, more than anybody else is the distinguished Senator from Tennessee, Mr. ALEXANDER, as did Senator ENSIGN and Senator LIEBERMAN. It is totally bipartisan.

I hope we can, on a bipartisan basis, move it out of here in the near future.

Mr. MCCONNELL. Mr. President, if I might add something, this is a classic example of the Senate at its best. It is a significant bipartisan measure put together, as the majority leader indicated, with leadership on his side of the aisle and on our side by Senators Alexander, Domenici, and Stevens. This is a significant piece of legislation that we

hope to be able to move in the very near future.

Mr. REID. Mr. President, I object to the bill's second reading.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

ORDERS FOR TUESDAY, MARCH 6, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, March 6; that on Tuesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the majority and the next 30 minutes under the control of the Republican leader or his designee; that following morning business, the Senate resume consideration of S. 4; that at 12 noon the Senate resume consideration of amendment No. 314, and the majority leader be recognized; that on Tuesday, the Senate recess from 12:30 to 2:15 p.m. for the weekly conference work sessions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO ADJOURN

Mr. REID. Mr. President, if there is no further business to come before the Senate today, and if the Republican leader has no further business, I ask unanimous consent that the Senate stand adjourned under the previous order following a very brief statement I am going to make.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSIDERATION OF S. 4

Mr. REID. Mr. President, the Senate is in the second week of consideration of the 9/11 bill. S. 4 was reported out during the recess and was available to all Members on Monday, February 26.

We had to invoke cloture on the motion to proceed last Tuesday. Once clo-

ture was invoked, there was a further delay in proceeding to the bill, and we were not allowed to begin consideration of the bill until Wednesday, February 28.

On Thursday of last week, Senator DEMINT offered his amendment to strike the TSA provision of the bill. We have been trying to get an agreement to vote on his amendment basically since that evening and on other amendments on the same subject matter as his amendment by Senators McCASKILL and LIEBERMAN.

Today, Senator COLLINS offered her TSA amendment. We are willing to add her amendment to the agreement. That was objected to.

As I indicated and the distinguished Republican leader indicated, tomorrow I will move to table the DeMint amendment.

I mention this because this is a good, very important piece of legislation. It has all the markings of being able to do something on a bipartisan basis, once we get over these few little humps. There are now 31 amendments pending to the bill. Most of the amendments do not deal with 9/11 recommendations. They are important funding issues that must be resolved and other 9/11 issues I would like to resolve before there is a cloture vote on this bill. We have all day tomorrow and we have Wednesday to finish this bill.

Accordingly, I am going to wait as long as I can to file cloture. We need to resolve this bill this week. Immigration amendments are going to have to wait until we deal with that bill later this year. It is not going to be too late because we are going to have to do immigration. I know the immigration people feel strongly about this issue. A number of the people who have been heavily involved in this immigration debate previously have offered immigration amendments on this bill. I think it is better we do the immigration legislation all at once and not piecemeal. I know how strongly the people feel who have offered these amendments, but this is not the vehicle to offer those amendments. If cloture is invoked, most of these amendments will fall. In fact, I think all of them will.

I have indicated to the distinguished Republican leader that we are willing to make sure we can dispose of the amendments that appear to be germane

prior to the cloture vote. We want to move this legislation as quickly as possible and as fairly as possible. So I hope the people who have amendments to offer will do it on this legislation. I hope they keep in mind that this is the 9/11 Commission recommendations and not an immigration bill.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, let me add briefly before we adjourn that I have asked my Members to come over, call up their amendments, and let's see how many we can get processed in the next couple of days. We are anxious to have amendments up and have amendments voted on and will be cooperating toward that end.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m., March 6.

Thereupon, the Senate, at 7:22 p.m., adjourned until Tuesday, March 6, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 5, 2007:

CONSUMER PRODUCT SAFETY COMMISSION

MICHAEL E. BAROODY, OF VIRGINIA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2006, VICE HAROLD D. STRATTON, RESIGNED.

MICHAEL E. BAROODY, OF VIRGINIA, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION, VICE HAROLD D. STRATTON, RESIGNED.

DEPARTMENT OF THE TREASURY

DAVID GEORGE NASON, OF RHODE ISLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE EMIL W. HENRY, JR.

DEPARTMENT OF STATE

PATRICK DENNIS DUDDY, OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE BOLIVARIAN REPUBLIC OF VENEZUELA.

CONFIRMATION

Executive nomination confirmed by the Senate Monday, March 5, 2007:

DEPARTMENT OF THE INTERIOR

CARL JOSEPH ARTMAN, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.